

# NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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# NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

## CHAPTER Puc 400 RULES FOR TELECOMMUNICATIONS

### PART Puc 401 PURPOSE, APPLICATION OF AND ORGANIZATION OF RULES

#### Puc 401.01 Purpose.

(a) The purpose of this chapter is to prescribe rules and to establish standard procedures, general business rules, and guidelines for telecommunications providers in order to enable providers to comply with relevant statutes and commission orders.

#### Puc 401.02 Application and Organization of Rules.

- (a) The rules of this chapter apply to all regulated telecommunications providers.
- (b) Rules for Telecommunications are organized as follows:
  - (1) PART Puc 401, Purpose, Application of Rules and Organization of Rules;
  - (2) PART Puc 402, Definitions;
  - (3) PART Puc 403, Reserved for Future Use;
  - (4) PART Puc 404, Reserved for Future Use;
  - (5) PART Puc 405, Rules for Payphone Service Providers;
  - (6) PART Puc 406, Rules for Public Interest Payphones;
  - (7) PART Puc 407, Rules for Non-Utility Providers of Telephone Service: Shared Tenant Services;
  - (8) PART Puc 408, Rules for Non-Utility Providers of Telephone Service to Customers in Temporary Accommodations;
  - (9) PART Puc 409, Reserved for Future Use;
  - (10) PART Puc 410 – Puc 429, Rules for Incumbent Local Exchange Carriers (ILECs);
  - (11) PART Puc 430 – Puc 449, Rules for Competitive Local Exchange Carriers (CLECs); and
  - (12) PART Puc 450 – Puc 469, Rules for Competitive Toll Providers (CTPs).

### PART Puc 402 DEFINITIONS

Puc 402.01 “Accident notification roster” means the list of commission staff members to be contacted about reportable or significant accidents which is available on the commission web site.

Puc 402.02 “Associated service” means, in addition to an existing telephone line, a separate existing telephone line provided by the same provider to the same customer at the same location for the same classification of service.

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Puc 402.03 “Authorized representative” means the person duly authorized by the telecommunications carrier or provider to affirm the accuracy and truth of reports or statements made on the carrier or provider's behalf, including:

- (a) An officer or manager under whose direction the report or statement is prepared;
- (b) If under trust or receivership, by the receiver or other duly authorized person; or
- (c) If not incorporated, by the proprietor, manager, superintendent, or other official in charge of operations.

Puc 402.04 “Basic service” means the minimum telephone service that the commission requires LECs to provide to voice customers including service attributes and standards mandated by federal and state statutes and rules.

Puc 402.05 “Bundled service” means a service where toll service and other optional services are combined with basic service and offered to residential customers for a single price.

Puc 402.06 “Central office” means the telecommunications carrier’s facility which includes switching and transmission equipment used to establish connections between customer lines or between customer lines and trunks.

Puc 402.07 “Change of Ownership” refers to the acquisition of a CLEC by another entity wherein the CLEC retains its separate corporate identity, without change in the CLEC's name, customer relationships, terms or conditions of service.

Puc 402.08 “Commission” means the New Hampshire public utilities commission.

Puc 402.09 “Competitive intraLATA toll provider” or “CTP” means any authorized carrier of intraLATA toll service.

Puc 402.10 “Competitive local exchange carrier” or “CLEC” means a telecommunications carrier, and its successors and assigns, authorized by the commission after July 23, 1995, the effective date of RSA 374:22-g, to provide telecommunications service in a particular area which an ILEC was authorized to serve prior to July 23, 1995.

Puc 402.11 “Cramming” means the submission or inclusion of unauthorized, misleading or deceptive charges for products or services on a customer’s utility bill, pursuant to RSA 378:44-48, and does not include tariffed charges or charges required or otherwise allowed by law.

Puc 402.12 “Customer” means any person, firm, corporation, cooperative marketing association, utility or governmental unit, or subdivision of a municipality, or of the state or nation supplied with telephone service by any telephone utility.

Puc 402.13 “Due date” means the date no fewer than 25 calendar days from the bill date the bill is sent electronically or via first class mail and 30 calendar days when the bill is sent via bulk mail.

Puc 402.14 “End user” is the business or residential customer who purchases telecommunications services for its own use and does not resell it to others.

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Puc 402.15 “Exchange” means an area, defined by the LEC, served by one or more central offices, within which the LEC furnishes telephone service at the local exchange rates and regulations applicable in that area as prescribed in the LEC’s tariff or rate sheet.

Puc 402.16 “Extended area service (EAS)” means the local toll-free telephone calling area beyond the home exchange.

Puc 402.17 “Federal Communications Commission (FCC)” means the federal organization authorized to regulate all interstate communications.

Puc 402.18 “Grandfathered basic service” means multi-party, voice grade access to the public switched telephone network, touch tone service, access enhanced 911, access to operator services, dialing parity, interLATA and intraLATA presubscription capability, access to LEC provided directory assistance, toll blocking options, caller ID blocking options, and access to telephone relay service, which also includes all basic service attributes and standards mandated by federal and state laws and rules other than single party service.

Puc 402.19 “Home exchange” means the area served by the local central office.

Puc 402.20 “Incumbent local exchange carrier (ILEC)” means a telecommunications carrier, and its successors and assigns, authorized under law or by the commission before July 23, 1995, the effective date of RSA 374:22-f and g, to provide basic service in the particular area for which it was authorized to provide service prior to July 23, 1995.

Puc 402.21 “Interexchange carrier” means a telecommunications carrier that provides long distance interstate and/or intrastate telephone service.

Puc 402.22 “Local access transport area (LATA)” means a contiguous geographical area, the boundaries of which distinguish state regulated local calling from FCC-regulated long distance calling.

Puc 402.23 “Local exchange carrier (LEC)” means the company that provides local telephone exchange service and renders the telephone bill to the customer.

Puc 402.24 “Local service area” means the exchange(s), as defined by the customer’s LEC, throughout which telephone calls may be placed by a basic service customer at local exchange rates, that is, without a toll charge.

Puc 402.25 “Model Tariff” refers to the model tariff available on the commission's web site.

Puc 402.26 “Network element” means a facility or equipment used in the provision of a telecommunications service, including features, functions and capabilities such as subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.

Puc 402.27 “NXX number” means the first 3 digits of a local telephone number which identify the local central office of the telephone customer.

Puc 402.28 “Outside plant” means the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights of way.

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Puc 402.29 “Payphone” means any telephone made available to the public on a fee-per-call basis, independent of any other commercial transaction, for the purpose of making telephone calls, whether the telephone is activated by depositing coins, by calling collect, or by using a credit card.

Puc 402.30 “Payphone Service Provider” or “PSP” means a person or entity that offers telephone service on a fee per call basis with payment due at the time of the call, and who has been issued a certificate of registration by the commission to provide payphone service.

Puc 402.31 “Port trigger” means a software command in a switch that tells the switch to query the local number portability database before routing the call.

Puc 402.32 “Reportable accident” means an accident in connection with the utility’s property, facilities or service which:

- (1) Involves telephone cable clearances;
- (2) Involves aircraft, trains or large boats;
- (3) Results in closure of a state highway;
- (4) Is likely to be, or has been, reported on network television;
- (5) Is of a magnitude or severity which requires the utility to obtain external assistance from another utility or outside contractor such as in response to major storm damage; or
- (6) Involves consequences of a magnitude or severity comparable to those described in (1) through (5) above.

Puc 402.33 “Secretary of State Certificate of Authority” means the State of New Hampshire Department of State Certificate of Authority issued by the Secretary of State which authorizes an entity to transact business in the state, pursuant to RSA 293-A:15.03.

Puc 402.34 “Significant accident” means an accident in connection with the utility’s property, facilities or service, in which:

- (1) A fatality has occurred;
- (2) Any person has received an injury which requires in-patient hospitalization;
- (3) Any person has received an injury which incapacitates that person from active work for a total of six days or more during the ten days immediately following the accident;
- (4) Property damage over \$5,000 has occurred;
- (5) An electrical contact has occurred; or
- (6) Damage to the utility's facilities interrupts service to all of the utility’s customers in an entire telephone exchange for a period of 15 minutes or longer.

Puc 402.35 “Significant service outage” means outages that affect:

- (a) An entire exchange;

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- (b) All customers in a similar manner, such as interconnection failures;
- (c) The majority of customers in a particular area;
- (d) 250 or more access lines and last more than 30 minutes; or
- (e) 5000 or more access lines.

Puc 402.36 “Slamming” means any practice that changes a customer’s telecommunications carrier or provider without the customer’s knowledge or consent, pursuant to RSA 374:28-a.

Puc 402.37 “Telecommunications Relay Service (TRS)” means a service that enables telephone communication between hearing people and people who are deaf, hard of hearing or speech impaired.

Puc 402.38 “Toll call” means a call to any location outside the local service area.

Puc 402.39 “Transfer of customer base” refers to the merger, acquisition, transfer, lease or other change in ownership of the customer base, franchise, works or system, or any part of such customer base, franchise, works or system, of a CLEC, which may involve a change in the CLEC's name, customer relationships, terms or conditions of service.

Puc 402.40 “Utility” means any “public utility” owning, operating, or managing any plant or equipment, or any part of the same for the conveyance of telephone, pursuant to RSA 362:2.

Puc 402.41 “Voice service” means facilitating an end user's participation in conversation with no perceived delay in the transmission of the voice message or the response to it.

PART Puc 403 RESERVED

PART Puc 404 RESERVED

PART Puc 405 PAYPHONE SERVICE

Puc 405.01 Purpose.

(a) The purpose of this part is to establish standard procedures for the registration of and ongoing regulatory requirements for payphone service providers (PSPs).

Puc 405.02 Application of Rules.

- (a) The provisions of Puc 405 shall apply to all PSPs.
- (b) In addition to (a) above, the following commission rules shall apply to all PSPs:
  - (1) Puc 102, relative to definitions of terms;
  - (2) Puc 200, procedural rules;
  - (3) Puc 402, relative to definitions of terms; and
  - (4) Puc 800, underground utility damage protection program.

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### Puc 405.03 Definitions.

(a) “Coin-activated payphone” means a payphone that requires the caller to deposit coins for calls other than those calls which are:

- (1) Billed to another telephone or to a calling card;
- (2) 911 or telephone relay service calls; or
- (3) To toll free numbers, such as 800 or 888 numbers.

(b) “Coinless payphone” means a payphone that will not accept coins and requires the caller to call collect or to use a credit card for calls other than those listed in (a) (2) and (a) (3) above.

(c) “Payphone lessee” means any person or entity that enters into a contract with a PSP and may also be the location provider.

(d) “Presubscribed carrier” means the interexchange carrier that the location provider has elected as the long distance service provider for the payphone at that location.

(e) “Semi-public payphone” means a payphone for which the payphone lessee is charged a recurring monthly rate for payphone service.

### Puc 405.04 Requirements for Registration.

(a) No person or entity shall install or offer for service a payphone in New Hampshire unless and until that person or entity is registered as a PSP.

(b) An applicant registering to provide payphone service shall make application to the commission on Form PSP-10 Application for Registration, described in Puc 405.16.

(c) In addition to the “Application for Registration” a PSP shall submit Form PSP-1 Contact Information, described in Puc 405.14.

(d) Upon receipt of a complete “Application for Registration,” the commission shall issue a PSP registration number, which authorizes the applicant to provide payphone service.

### Puc 405.05 Assessment.

(a) A PSP shall be assessed pursuant to RSA 363-A:2, and shall remit such assessment to the commission, pursuant to RSA 363-A:4.

(b) A PSP shall file Form PSP-2 Assessment Report, described in Puc 405.15, annually.

### Puc 405.06 Notification of Change of Status.

(a) A PSP shall notify the commission in writing within 10 days of the change of any information contained in Form PSP-1 Contact Information.

(b) A PSP shall provide written notice to the commission prior to the company's cessation of operation by one of the following:



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- (1) 10 days notice for fewer than 10 payphones;
- (2) 30 days notice for 11 to 100 payphones; or
- (3) 60 days notice for more than 100 payphones.

(c) In the event the PSP transfers its equipment or business to any other entity, such other entity shall complete the registration requirements, including submitting a new Form PSP-10 Application for Registration and updated Form PSP-1 Contact Information prior to providing payphone service, pursuant to Puc 405.04.

### Puc 405.07 Violation of Registration to Operate.

(a) If, after notice, an opportunity to be heard and specific findings of fact, the commission determines that good cause exists, it shall issue an order:

- (1) Revoking, suspending or modifying the PSP's registration;
- (2) Imposing fines or penalties pursuant to RSA 365:41;
- (3) Requiring reparation to a subscriber or affected party pursuant to RSA 365:29; or
- (4) Providing for such other penalty as permitted by statute, consistent with (1) through (3) above, as the commission may reasonably require.

(b) Good cause, pursuant to (a) above, shall include but not be limited to the following actions by a PSP:

- (1) Repeated or flagrant violation of applicable commission rules or orders;
- (2) Conducting business in an unfair or deceptive manner; or
- (3) Actions resulting in revocation of its registration by the FCC pursuant to 47 C.F.R. 68.211.

### Puc 405.08 Payphone Calling Services.

(a) All payphones shall provide:

- (1) At no charge to the caller:
  - a. Dial tone;
  - b. Access to 911;
  - c. Access to 711; and
  - d. Access to toll-free numbers;
- (2) Except as provided in (b) below, at the option of the payphone lessee, the ability to receive incoming calls at no charge;

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(3) Except as provided in (b) and (c) below, access to the toll network using dial 0 and dial 1 capability and/or 7-digit dialing; and

(4) Except as provided in (b) below, access to alternate interexchange carriers by one of the following:

- a. A local call; or
- b. A toll-free call; or
- c. A carrier access code.

(b) Payphones provided for inmates shall not be required to comply with (a), (2), (3) and (4) above.

(c) Coinless payphones shall not be required to provide dial 1 capability.

(d) Payphones may be programmed to prohibit collect and third party calls being billed to the payphone number, except, at the option of the payphone lessee, in the case of semi-public payphones.

### Puc 405.09 Notices and Labeling.

(a) All payphones shall be clearly marked to show:

- (1) The rate and time increment for a local call;
- (2) The telephone number of the payphone;
- (3) The name of the owner;
- (4) A free phone number to call for maintenance and repair;
- (5) Any restrictions in making or receiving calls, such as the fact that the payphone does not accept incoming calls;
- (6) The name(s) of the presubscribed carrier(s);
- (7) A toll-free telephone number to call for the pre-subscribed carrier's rate information;
- (8) Dialing instructions and charges, if any, for directory assistance;
- (9) The commission's telephone number;
- (10) Instructions to call the commission concerning a complaint; and
- (11) Any other information necessary to facilitate calls, refunds or repairs.

(b) In the event that a PSP intends to remove a standalone payphone, it shall place a clear and conspicuous notice on the payphone for at least 30 days prior to its removal.

### Puc 405.10 Directories and Directory Assistance.

(a) A PSP shall either:

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- (1) Maintain a local telephone directory at the physical site of the payphone; or
- (2) Provide access to local directory assistance at no charge.

### Puc 405.11 Equipment.

- (a) All payphone equipment shall comply with:
  - (1) FCC rules regarding connection of terminal equipment to the telephone network, pursuant to 47 C.F.R. § 68, et seq.
  - (2) The Americans With Disabilities Act, 42 U.S.C. § 12101, et seq.; and
  - (3) Applicable Department of Justice regulations titled “Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities,” set forth at 28 C.F.R. Part 36, including but not limited to sections pertaining to accessible routes, signage, space allowances and reach ranges, and section 4.31 titled “Telephones.”
- (b) All coin-activated payphones shall be equipped to return coins to the caller in the case of an incomplete call.
- (c) All coin-activated payphones shall be equipped to accept nickels, dimes and quarters.

### Puc 405.12 Commission Inspections.

- (a) A PSP shall allow and assist the commission to inspect the works and system of the PSP and the manner in which the PSP has conformed to all applicable statutes, rules and orders.

### Puc 405.13 Required Reports.

- (a) A PSP shall file the following reports with the commission on March 31st of each year:
  - (1) Form PSP-1 Contact Information, described in Puc 405.14; and
  - (2) Form PSP-2 Assessment Report, described in Puc 405.15, covering the PSP's most recent fiscal year.
- (b) A PSP shall file Form PSP-1 Contact Information, described in Puc 405.14, within ten days of any changes in the information on a PSP's most recently filed “Contact Information.”
- (c) An PSP shall submit any report or form to the commission by:
  - (1) Mail to: New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, NH 03301-2429; and/or
  - (2) Electronic report filing (ERF), or its successor, on the commission website.
    - a. Any electronic filing must comply with Puc 202.08 regarding filing requirements.

### Puc 405.14 Form PSP-1 Contact Information.

- (a) The “Contact Information” form, required by Puc 405.04 and Puc 405.13, shall include:

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- (1) The current date;
- (2) General information, listing the company's:
  - a. Legal company name;
  - b. The business name the company uses with its customers;
  - c. Complete mailing address; and
  - d. Internet address, if the PSP maintains a website;
- (3) Contact information for the following individuals:
  - a. Person responsible for regulatory matters;
  - b. Person responsible for consumer complaints; and
  - c. Person responsible for equipment repair and maintenance;
- (4) Contact information for each individual in (3) above shall consist of:
  - a. Name and title;
  - b. Mailing address;
  - c. Telephone and fax numbers; and
  - d. Email address;
- (5) Names and titles of principal officers.

(b) The form shall be signed and dated by the authorized representative, along with:

- (1) Printed name and title of the authorized representative.

### Puc 405.15 Form PSP-2 Assessment Report.

(a) The "Assessment Report," required by Puc 405.05 and Puc 405.13, shall include:

- (1) The PSP's name, address and telephone number;
- (2) The PSP's federal employer identification number (FEIN);
- (3) The date the PSP fiscal year ended;
- (4) The total annual revenues from payphone services; and
- (5) The total number of payphones which the PSP maintains in service as of the end of its fiscal year.

(b) The authorized representative of the PSP filing the "Assessment Report" shall provide a signed, dated, and sworn statement as to the accuracy of the information contained in the "Assessment Report."

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### Puc 405.16 Form PSP-10 Application for Registration.

- (a) The “Application for Registration” required by Puc 405.04, shall include:
  - (1) The business name, address, and phone number of the applicant;
  - (2) The operating name of the applicant, if different from the business name.
  - (3) The name, address, telephone number and email address of the persons at the PSP responsible for:
    - a. Customer service;
    - b. Repair service;
    - c. Regulatory compliance;
  - (4) The applicant's federal employer identification number (FEIN);
  - (5) Name, address and title of each of the principal officers of the company;
  - (6) A statement that the applicant agrees to comply and shall operate in accordance with all provisions and requirements of Puc 405; and
  - (7) A written statement, signed under the penalties contained in RSA 641:3, relating to unsworn falsification, by the authorized representative of the PSP, certifying that the information is true to the best of the signatory’s knowledge and belief.

### PART Puc 406 PUBLIC INTEREST PAYPHONES

#### Puc 406.01 Purpose.

- (a) The purpose of this part is to establish standard procedures for the designation of public interest payphones and guidelines for the providers of public interest payphones (PIPs), in order to enable providers to comply with relevant statutes and commission orders.

#### Puc 406.02 Application of Rules.

- (a) The provisions of Puc 406 shall apply to all PIPs and to the providers of such payphones.
- (b) In addition to (a) above, the following commission rules shall apply to all PIP providers:
  - (1) Puc 402, relative to definitions; and
  - (2) Puc 405, relative to payphone service.

#### Puc 406.03 Definitions.

- (a) “Sent-paid” means calls paid for at the time of origination.
- (b) “Location provider” means the property owner on whose property a payphone is situated.

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(c) “Public interest payphone” or “PIP” means a payphone provided in the interests of health, safety and welfare in locations where there would not otherwise be a payphone, approved by commission order as meeting the requirements of Puc 406.04.

### Puc 406.04 PIP Designation Requirements.

(a) A payphone shall be designated as a PIP when the commission finds that the payphone meets all of the criteria listed in (b) below, unless the commission grants a waiver of any criterion pursuant to (c) below.

(b) The criteria for designating a payphone as a PIP are:

- (1) The payphone fulfills a public welfare, health or safety, policy objective;
- (2) The payphone would not otherwise remain or be placed at its location by the operation of the competitive marketplace;
- (3) The payphone is shown by commission staff investigation to:
  - a. Have an actual or projected monthly revenue paid to the PSP of \$30 on an average annual basis, or
  - b. Have an actual or projected average usage of 3.5 calls per day, including 800, 900 and collect calls.
  - c. For the purposes of this section, “revenue” includes:
    - 1.All coin and non-coin revenue for local, intraLATA, and interLATA calls; and
    - 2.Commissions or per call compensations paid to the PSP;
- (4) The payphone is a single, stand-alone payphone and not one of a bank of payphones;
- (5) The payphone is not a coinless payphone;
- (6) The payphone accepts incoming, sent-paid phone calls;
- (7) The payphone is physically accessible to the general public 24 hours per day, unless extraordinary circumstances exist;
- (8) The payphone is located no less than 750 feet away from any other payphone, as measured along the route of ordinary pedestrian travel;
  - a. The other payphone, if located within a business establishment, must be physically accessible during the regular operating hours of that business establishment; and
- (9) The payphone provides zero compensation to the owner or agent on whose property it is located, whether such compensation is related to its placement or its revenues.

(c) Any person seeking waiver of any of the criteria listed in (b) above, shall file a petition with the commission demonstrating extraordinary circumstances, pursuant to Puc 201.05.

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### Puc 406.05 Designation Process.

(a) The following entities, provided they do not currently have a signed contract with a PSP for the provision of a payphone, are qualified to file a petition for PIP designation:

- (1) A private individual;
- (2) A private group; or
- (3) A federal, state, or local government agency.

(b) A petition for PIP designation shall:

- (1) Identify the exact location desired, described by reference to existing landmarks in feet and inches;
- (2) State that the petitioner has no contract for that location with any payphone provider;
- (3) State the public welfare, health or safety policy objective which the proposed PIP will fulfill;
- (4) State the name and telephone number of the owner of the property where the proposed PIP is to be located;
- (5) Indicate whether the property owner has consented to placement of the PIP;
- (6) Explain how the proposed PIP meets each of the criteria listed at Puc 406.04(b)(1)-(9);
- (7) Document that a minimum of six PSPs, including the ILEC, have declined to provide a payphone at the location; and
- (8) State whether a waiver of any of the criteria is requested and provide support for any waiver so requested.

(c) Upon receipt of a petition for PIP designation, the commission shall commence an investigation to determine whether the proposed PIP meets the criteria listed in Puc 406.04(b) above.

(d) The commission's investigation of the proposed PIP may include a visit by the commission staff to the proposed site of the PIP.

(e) The commission's staff shall submit a detailed report of its investigation and conclusions to:

- (1) The commission;
- (2) The petitioner;
- (3) The Office of the Consumer Advocate; and
- (4) The location provider.

(f) After reviewing the commission staff's report, the commission shall either:

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- (1) Determine that the proposed site meets the criteria and issue an order designating the payphone as a PIP; or
- (2) Determine that the proposed site does not meet the criteria and notify the petitioner and any parties of the reasons for the negative conclusion.
- (g) The persons notified pursuant to (f) above shall have 30 days from the date of notification to:
  - (1) Rectify any deficiencies identified by the commission, or
  - (2) Request a public hearing on the issues.
- (h) A request for public hearing, made pursuant to (g)(2) above, shall identify the issues, which may include:
  - (1) Requests for waivers of any listed criteria; and
  - (2) Objections to the commission staff's report.
- (i) The commission shall grant the request for public hearing and provide notice of same by publication of an order published in a newspaper of local circulation in the affected geographic area.

### Puc 406.06 Process for Removal of PIP Designation.

- (a) Any person may petition, or the commission may initiate a proceeding, for the removal of the PIP designation of any payphone.
- (b) A petition shall detail the reasons the PIP no longer meets the criteria listed in Puc 406.04(b)(1) through (9).
- (c) The petitioner for removal shall send a copy of the petition to the original petitioner for the PIP designation.
- (d) Upon receipt of the petition for removal, the commission shall issue an order of notice, setting a date for a public hearing.
- (e) The commission shall serve the order of notice upon all parties to the original PIP designation case.
- (f) The petitioner for removal shall publish the order of notice pursuant to Puc 203.01, but shall publish the notice in the form of an advertisement rather than as a legal notice.
- (g) Prior to the public hearing, the commission's staff shall conduct an investigation and submit a report pursuant to the process described in Puc 406.05 above.

## PART Puc 407 NON-UTILITY PROVIDERS OF TELEPHONE SERVICE: SHARED TENANT SERVICES

### Puc 407.01 Purpose.



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(a) The purpose of this part is to establish standard procedures, general business rules, and guidelines for shared tenant services (STS) in order to enable non-utility providers of telephone service to comply with relevant statutes and commission orders.

### Puc 407.02 Application of Rules.

(a) The provisions of Puc 407 shall apply to all non-utility providers of telephone service who are providing STS.

(b) In addition to (a) above, the following commission rules shall apply to all providers of STS:

- (1) Puc 102, relative to definitions of terms;
- (2) Puc 200, procedural rules; and
- (3) Puc 402, relative to definitions of terms.

### Puc 407.03 Definitions.

(a) "End user" means the person to whom the provider provides shared tenant services.

(b) "Number retention" means the ability of a telephone service customer to retain that customer's direct inward dialing telephone number at the same location, or a different location served by the central office that provides private branch exchange service to the shared tenant services provider, when switching service providers, pursuant to RSA 374:22-k, I.

(c) "Private branch exchange" means a telephone switch that can switch voice and data communications among the users of such switch, to the local telephone utility's central office or directly to inter-exchange carriers, pursuant to RSA 374:22-k, II.

(d) "Provider" means a landlord who is a subscriber to a local exchange carrier who has been issued a registration number, authorizing the subscriber to offer shared tenant services to end users, except that "provider" does not include the following when providing local telecommunications services to their transient clientele:

- (1) Hospital facilities as defined in RSA 151-C:2 and/or RSA 151:19, XX;
- (2) Inns and hotels as defined in RSA 353:7, III;
- (3) Motels as defined in RSA 353:4, I;
- (4) Educational institutions as defined in RSA 631:7,I(a); or
- (5) Nursing homes as defined in RSA 151-A:1, IV.

(e) "Shared tenant services" or "STS" means voice and data communications services under which tenants at a single building, business park, office park, or mall are provided with such services through a private branch exchange, pursuant to RSA 374:22-k, III.

### Puc 407.04 Requirements for Registration.

(a) No person or entity shall provide shared tenant services in New Hampshire unless and until that

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person or entity is registered as an STS provider.

(b) Prior to providing STS, any person or entity intending to provide STS shall file a completed STS-10 Application for Registration, described in Puc 407.26.

(c) An STS provider shall notify the commission in writing within 10 days after any material change in the information in its "Application for Registration."

### Puc 407.05 Authorization to Provide Shared Tenant Services.

(a) To qualify to operate a shared tenant services network, an STS provider, pursuant to RSA 374:22-1, shall:

(1) Disclose in writing at the time of initially offering services to its tenants and prospective tenants, the following:

- a. Available options and terms of services;
- b. Pricing information relative to the services provided or proposed to be provided; and
- c. That the end user can at his or her option obtain basic exchange and other voice and data communications services from an authorized local exchange carrier rather than from the provider.

(2) Allow telephone number retention and access to telecommunications services into and out of shared tenant services properties without penalty and in accordance with commission rules; and

(3) Comply with the all applicable statutes, rules and orders.

(b) Upon receipt of a complete "Application for Registration," the commission shall issue a registration number authorizing the registrant to provide shared tenant services.

### Puc 407.06 Revocation of Authorization.

(a) If, after notice, and opportunity to be heard and issuing specific findings of fact and any applicable rulings of law supporting its determination, the commission determines that good cause exists, it shall issue an order providing, pursuant to (c) below, for:

(1) Revocation, suspension, or amendment of the STS provider's authorization;

(2) Disconnection of the STS provider's service;

(3) Imposition of a civil penalty pursuant to RSA 374:22-n, RSA 374:28-a, II and/or RSA 374:55; and/or

(4) Such other relief as the commission shall reasonably provide or require consistent with statute, including but not limited to the ordering of reparation to an end user or affected party.

(b) Good cause, pursuant to (a) above, shall include the following actions by an STS provider:

(1) Slamming, in violation of RSA 374:28-a;

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- (2) Cramming, in violation of RSA 378:46;
- (3) Conducting business in an unfair or deceptive manner;
- (4) Persistent or flagrant violation of applicable statutes, commission rules or commission orders; or
- (5) Any other factor(s) which leads the commission to conclude that the applicant has demonstrated it does not meet the minimum standards to operate as an STS provider.

(c) Upon a finding as provided in (b) above, the commission shall issue an order providing for one or more of the consequences set forth in (a) above which it determines to be most applicable after considering:

- (1) The nature of the infraction;
- (2) The severity of the infraction; and
- (3) Monetary or other damages to an end user, a utility or a member of the public resulting from the infraction.

### Puc 407.07 Notification of Termination of Service.

(a) When an STS provider proposes to terminate its shared tenant services, the provider shall, no less than 30 days prior to terminating services, issue to its end users and to the commission written notice, as provided in (b) and (c) below, of its intention to terminate services.

(b) An STS provider terminating services shall include in the notice of termination of services to its end users required by (a) above, the following:

- (1) The name of the provider;
- (2) The name, address, and telephone number of a person representing the provider whom the end user shall be able to contact for 3 months after termination; and
- (3) A statement that the end user can at his or her option obtain basic exchange and other voice and data communications services from an authorized local exchange carrier rather than from the provider.

(c) An STS provider terminating services shall include in the notice of termination of services to the commission required by (a) above, the following:

- (1) The name of the provider;
- (2) The address(s) of end users to whom the provider provides services;
- (3) The name, address, and telephone number of a person representing the provider who the commission shall be able to contact for 3 months after termination;
- (4) A statement that it has notified each end user of its termination of operations; and
- (5) If the commission determines that the provider has not provided adequate notice to end

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users and so requests, a list of the names of the provider's end users at termination.

### Puc 407.08 Provision of Service.

(a) An STS provider shall allow its end users direct access to local exchange carrier's dial-zero operators for emergencies and for toll service.

(b) An STS provider shall not restrict access to any locally available interexchange carrier.

(c) An STS provider shall not restrict an end user from obtaining service directly from any authorized local exchange carrier which provides service in the end user's area.

(1) A provider shall not penalize an end user, except as provided in (2) below, when an end user switches from a carrier to an STS provider or from an STS provider to another carrier.

(2) An end user who switches carriers shall still be accountable for:

a. Any applicable early termination charges provided pursuant to tariffs, special contracts, or rate sheets approved by the commission; and

b. Any applicable contractual provisions which the commission determines are intended to enable the existing STS provider or LEC to recover unamortized costs incurred in providing the existing service to the end user.

(d) If an end user elects to take service from a LEC, the provider shall allow the LEC access to all facilities up to the end user's premises.

(e) The provider shall be responsible for wiring and maintenance of the shared tenant services facilities beyond the LEC demarcation point.

### Puc 407.09 Number Retention.

(a) The telephone number assigned to the end user shall be portable from the provider to a local exchange carrier in the same local service area without charge.

(b) The telephone number assigned to an end user who migrates to an STS provider from a LEC in the same local service area as the provider shall be portable to the STS provider without charge, provided that the STS provider's PBX is capable of local number portability.

### Puc 407.10 STS Notices to Customers.

(a) Unless otherwise specified, any notice to customers required by these rules shall:

(1) Include the company name and relevant contact telephone number;

(2) Be provided separately to each tenant:

a. By physical delivery to the tenant;

b. In a separate mailing; or

c. In a packet of tenant information.

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### Puc 407.11 Customer Notification and Disclosure Required.

(a) Prior to initiating STS, and for each new end user it proposes to serve, an STS provider shall make certain disclosures in writing, pursuant to Puc 407.10, above, which shall include:

- (1) A statement of the terms and conditions of service including all current rates and termination charges, if any, which the end user will be charged, including:
  - a. A schedule of rates the end user will be charged;
  - b. An indication of whether billing commences upon call connection or in any of the following events:
    1. Busy signals;
    2. No answers;
    3. Toll free number calls;
    4. Fast busy signals;
    5. Telephone company recordings; or
    6. Any other similar non-answer or pre-answer situations;
  - c. A description of the billing algorithm describing, for example, whether billing is done on a per minute basis, such that a 61 second call would be billed as 2 minutes, or on a per second, or other, basis;
- (2) A statement that the end user may obtain service directly from any authorized local exchange carrier which provides service in the end user's area;
- (3) The name and local or toll-free telephone number of a representative of the provider to whom complaints should be addressed;
- (4) The days and hours of the week the representative of the provider shall be available to address complaints;
- (5) A statement that an end user may submit to the commission unresolved complaints regarding the provider, including the toll-free telephone number, address and e-mail address of the commission;
- (6) A statement that the provider shall give at least 30 days written notice to each affected end user prior to any change in the schedule of rates;
- (7) A statement specifying when rates may be changed;
- (8) The amount of increase that may be imposed during the period of the end user's service agreement;
- (9) A statement that the provider's rates and charges are not regulated by the commission;

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(10) A statement that the end user may void his/her service agreement with the provider without further liability to the end user if the provider breaches a material term of the service agreement;

(11) A statement that the telephone number assigned to the end user is portable to any local exchange carrier without charge; and

(12) A description, conspicuously displayed, including:

a. A description of prefix or dialing requirements to reach emergency services, for example, that the end user dial “9-911;”

b. The limitations, if any, of 911 emergency service regarding proper identification of the caller's telephone number and the caller's location whenever a call is placed from a shared tenant service station; and

c. The limitations regarding intercept service provided by a local exchange carrier for direct inward dial number.

(b) The provider shall disclose upon customer request information on the most advantageous provider rate or rates available to that customer, as required by Puc 1203.02(a).

(c) The provider shall give each affected end user 30 days’ written notice prior to any change in rates.

(d) The provider shall, within 5 business days, notify each end user of any change in the name, telephone number or hours of availability of the provider’s customer contact person, referred to in (a) (3) and (4) above.

### Puc 407.12 Notice to Customers of Rate Increase.

(a) An STS provider shall give 30 days’ written notice, pursuant to Puc 407.10, to each affected end user before any change in rates.

### Puc 407.13 Slamming Prohibited.

(a) An STS shall comply with the FCC slamming regulations, 47 CFR 64.1100-1170 and 1190.

(b) If, after notice and opportunity for hearing, the commission finds an STS has switched a subscriber’s selection of carrier without authorization, the commission shall impose an administrative penalty against the STS, not to exceed \$2,000 per subscriber line switched without authorization, pursuant to RSA 374:28-a, II.

### Puc 407.14 Cramming Prohibited.

(a) An STS shall not engage in cramming.

### Puc 407.15 Disconnection of Basic Service. [See final proposal “disconnect rules” 9-2-04.]

### Puc 407.16 Disconnection of Bundled Service. [See final proposal “disconnect rules” 9-2-04.]

### Puc 407.17 Notice of Disconnection. [See final proposal “disconnect rules” 9-2-04.]

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Puc 407.18 Disconnection Conferences with Customer. [See final proposal “disconnect rules” 9-2-04.]

Puc 407.19 Disconnection of Service to Non-residential Customers. [See final proposal “disconnect rules” 9-2-04.]

Puc 407.20 Disconnection of Associated Services. [See final proposal “disconnect rules” 9-2-04.]

Puc 407.21 Complaints to the Commission.

(a) The commission shall hear unresolved complaints between the STS provider and any end user pursuant to Puc 200 and this part.

Puc 407.22 Required Reports.

(a) An STS provider shall file Form STS-3 Annual Report, described in Puc 407.25:

(1) Annually, on or before March 31 of each year.

(b) An STS shall submit any report or form to the commission by:

(1) Mail to: New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, NH 03301-2429; and/or

(2) Electronic report filing (ERF), or its successor, on the commission website.

a. Any electronic filing must comply with Puc 202.08 regarding filing requirements.

Puc 407.23 Transfer of Authorization.

(a) Authorization to provide shared tenant services shall not be transferred to any individual or entity who has not obtained authorization pursuant to Puc 407.05.

(b) In the event the STS provider transfers its equipment or business to any other entity, such other entity shall complete the registration requirements, including submitting a new “Application for Registration” prior to providing STS service, pursuant to Puc 407.04.

(c) An STS provider shall, no less than 30 days prior to a proposed transfer, notify each affected end user in writing if an end user is changed from one STS provider to another STS provider.

Puc 407.24 Availability of Forms.

(a) All commission forms are available on the commission's web site at <http://www.puc.nh.gov/Telecom/telecom.htm> or its successor site.

(b) Forms may be submitted electronically, but an STS provider must comply with Puc 202.08 regarding filing requirements.

Puc 407.25 Form STS-3 Annual Report.

(a) The “Annual Report” required by Puc 407.22 (a) shall include:

(1) The name of the provider business entity;

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- (2) The provider's current principal address and telephone number;
- (3) The date of the end of the provider's fiscal year;
- (4) The provider's total intrastate shared tenant services revenues; and
- (5) A sworn statement, pursuant to RSA 374:15, signed and dated by an authorized representative of the STS attesting to the accuracy of the form.

### Puc 407.26 Form STS-10 Application for Registration.

- (a) The "Application for Registration," required by Puc 407.04, shall include:
  - (1) The name of the registrant;
  - (2) The address and telephone number of the registrant;
  - (3) The street address location(s) at which shared tenant services shall be provided;
  - (4) A general description of anticipated end users of the shared tenant services to be offered;
  - (5) A signed statement that the registrant agrees to comply with applicable statutes and commission administrative rules, including part Puc 407;
  - (6) The signature and title of the registrant's authorized representative; and
  - (7) The date of the application.

## PART Puc 408 NON-UTILITY PROVIDERS OF TELEPHONE SERVICE TO CUSTOMERS IN TEMPORARY ACCOMMODATIONS

### Puc 408.01 Purpose.

(a) The purpose of the rules in this part is to establish requirements for non-utility providers who resell telephone service to customers in temporary accommodations such as, but not limited to, hotels, hospitals and universities to comply with relevant statutes.

### Puc 408.02 Application of Rules.

- (a) The provisions of Puc 408 shall apply to all non-utility providers of telephone service to customers residing in temporary accommodations (TSTA).
- (b) In addition to (a) above, the following commission rules shall apply to all providers of TSTA:
  - (1) Puc 102, relative to definitions of terms;
  - (2) Puc 200, procedural rules;
  - (3) Puc 402, relative to definitions of terms;

### Puc 408.03 Definitions.



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(a) "Telephone user" means a person who obtains telephone service from an OAS provider through a proprietor.

(b) "Proprietor" means any nonpublic utility provider of telephone services, owning or operating message switching or billing equipment solely for the purpose of reselling services provided by a telephone corporation to its patients or guests, including, but not limited to, the following:

- (1) Inns and hotels as defined in RSA 353:7;
- (2) Motels as defined in RSA 353:4;
- (3) Hospital facilities as defined in RSA 151:2 and/or RSA 151:19;
- (4) Educational institutions as defined in RSA 631:7 or
- (5) Any similar place of temporary accommodation.

(c) "Operator Assisted Services (OAS) Provider" means the company accepting the billing information, initiating the validation process, and recording the details of the call for, or on behalf of, the proprietor.

### Puc 408.04 Requirements of Proprietors.

(a) Pursuant to RSA 378:17-c, IV, proprietors who provide telephone service using a PBX switch or similar equipment shall assure that all requests for police, fire, medical, or other emergency services received by the proprietor or the OAS provider shall be transferred to the public safety answering point, beginning no later than January 1, 2007.

(b) Proprietors shall display or post on or near the telephone equipment, so as to be easily seen by telephone users, a notice stating the identity of the OAS provider and the in-room location of information which shall include:

- (1) Information, separately stated about all charges applicable to all available telephone services including:
  - a. Individual customer telephone service activation deposits or fees, if any;
  - b. Charges for use of telephone services, including any charges for calls not completed; and
  - c. Any additional charges billed by the proprietor for telephone service.
- (2) The method for obtaining the rates, terms, or conditions of OAS;
- (3) The proprietor's procedures for handling complaints;
- (4) The OAS provider's procedures for handling complaints;
- (5) The means by which the telephone user may gain access to other OAS providers;
- (6) The means by which the telephone user may gain access to other interexchange carriers;

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- (7) The means by which the telephone user may gain access to the services of the ILEC operating within the proprietor's location; and
- (8) The telephone number of the commission to which questions or complaints may be directed; and
- (9) The name, address, and toll-free telephone number of the operator-assisted service provider.

(c) Proprietors shall enable telephone equipment to permit access by the telephone user to any other provider of operator-assisted services generally available in the service area.

### Puc 408.05 Complaints to the Commission.

(a) The commission shall hear unresolved complaints between the provider and any telephone user pursuant to Puc 200 and Puc 408.

## PART Puc 409 RESERVED FOR FUTURE USE

## PART Puc 410 RULES FOR INCUMBENT LOCAL EXCHANGE CARRIERS (ILECs)

### Puc 410.01 Purpose.

(a) The purpose of the rules in this part is to establish standard procedures, general business rules, and guidelines for ILECs in order to enable ILECs to comply with relevant statutes and commission orders.

### Puc 410.02 Application of Rules.

- (a) The provisions of Puc 410 through Puc 429 shall apply to all ILECs.
- (b) In addition to (a) above, the following commission rules shall apply to all ILECs:
  - (1) Puc 102, relative to definitions of terms;
  - (2) Puc 200, procedural rules;
  - (3) Puc 402, relative to definitions of terms;
  - (4) Puc 800, underground utility damage protection program; and
  - (5) Puc 1200, uniform administration of utility customer relations.

### Puc 410.03 Definitions.

(a) "Average schedule company" means an ILEC who has its interstate switched and special access revenues calculated by the National Exchange Carrier Association.

(b) "Jurisdictional separations" means, as defined by the FCC in part 36, procedures to separate investment, expenses, and revenue between the state and interstate jurisdictions.

## PART Puc 411 ILEC REGULATORY REQUIREMENTS

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### Puc 411.01 Tariffs.

- (a) An ILEC shall maintain a complete tariff with the commission, pursuant to Puc 1600.

### Puc 411.02 Good Faith Negotiations.

- (a) In establishing terms and conditions for Puc 417, 418 and 419, an ILEC shall negotiate in good faith.

### Puc 411.03 ILECs Operating as CLECs.

- (a) An ILEC which seeks to provide basic service in a particular area that another ILEC is authorized to serve shall obtain commission approval as a CLEC under Puc 431.

### Puc 411.04 Assessment.

- (a) An ILEC shall be assessed pursuant to RSA 363-A:2, and shall remit such assessment to the commission, pursuant to RSA 363-A:4.
- (b) An ILEC shall file Form ILEC-2 Assessment Report, described in Puc 429.03, annually.

### Puc 411.05 Contact Information.

- (a) An ILEC shall file Form ILEC-1 Contact Information, described in Puc 429.02, with the commission, annually and within ten days of any change of the information on the "Contact Information" form.

### Puc 411.06 Information Required When Service Cannot Be Provided. [See also final proposal "disconnect rules" 9-2-04.]

- (a) An ILEC shall keep a record as to each instance in which it is not able to supply basic telephone service to prospective customers within ten (10) days following the customer's application for service.
- (b) The record required by (a) above shall be provided to the commission on request and shall include:
  - (1) The name, address, and telephone number of each applicant who was not provided service within ten (10) days;
  - (2) The date of application for service;
  - (3) The class of service applied for; and
  - (4) The reason the ILEC was unable to provide service within ten (10) days of the customer's application.

### Puc 411.07 Quality of Service Information Required.

- (a) An ILEC shall file Form ILEC 4 Quality of Service Report, described in Puc 429.05, annually.
- (b) An ILEC shall file Form ILEC-5 Quality of Service Report Card, described in Puc 429.06, annually.

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(1) The "Quality of Service Report Card" will be made available for public information.

(c) An ILEC shall report monthly those service installation orders from CLECs which the ILEC did not complete within 30 days.

### Puc 411.08 Service Outages.

(a) An ILEC shall report significant service outages, pursuant to Puc 402.35, by calling the commission within the following time frames:

(1) For outages which occur between 7:00 a.m. and 4:30 p.m. during normal business hours, Monday through Friday, within 60 minutes of occurrence; and

(2) For outages which occur during non-business hours, by 9:00 a.m. on the business day following the outage.

(b) An ILEC shall report significant service outages in writing to the commission on Form ILEC-38 Service Outages Report, described in Puc 429.15, which shall be filed within ten days of the outage.

### Puc 411.09 Accident Notifications.

(a) An ILEC shall notify the commission of accidents in connection with its facilities, property or service.

(b) In the event of a significant accident pursuant to Puc 402.34 definitions, the ILEC shall notify the commission by telephone as follows:

(1) During regular commission hours:

a. Contact the telecommunications division representative listed on the accident notification roster, pursuant to Puc 402.01, at the commission telephone number provided.

1. If the telecommunications division representative is unavailable, the ILEC shall work sequentially through the accident notification roster until it speaks directly with one of the commission representatives listed therein.

(2) Outside of regular commission hours:

a. Call the commission general telephone listing, provided in the accident notification roster, and leave a voice mail message:

1. Identifying the ILEC and the name and return telephone number of the individual attempting to report; and

2. Stating that an accident requiring notification has occurred and will be reported when the commission next opens; and

b. Attempt to contact a commission representative listed on the accident notification roster at the after-hours telephone number provided, starting with the telecommunications division commission representative, and working sequentially through the list until the ILEC speaks directly with one of the commission representatives listed therein.

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c. If the ILEC is unable to speak to a commission representative outside of regular commission hours, the ILEC shall, as soon as possible on the next business day, contact the commission as outlined in a. above.

(3) The ILEC shall provide the commission with the following information:

a. The name of the ILEC;

b. The name of the person making the report and the telephone number at which they can be reached;

c. A brief description of the accident or event and location;

d. The time at which:

1. The accident or event occurred; and

2. The ILEC was first notified of the accident or event; and

e. A description of any fatalities, personal injuries and damages; and

f. Any other information relevant to the cause of the accident and the extent of the damages.

(4) Notification of a significant accident is not complete until an ILEC's representative:

a. Speaks to a commission representative listed on the accident notification roster; and

b. Communicates to the commission representative the information required by (3) above.

(c) For all other reportable accidents, pursuant to Puc 402.32, an ILEC shall notify the commission by telephone during regular business hours as outlined in a above:

(1) On the day of the accident or event, if possible; or

(2) On the next business day.

(d) In addition to notifying the commission, an ILEC shall file Form ILEC-30 Utility Accident Report, described in Puc 429.11, for each reportable accident within 10 business days of the accident; and

(1) A detailed written report, referencing the original Form ILEC-30 Utility Accident Report, containing any applicable supportive documentation not provided in the original report, within 60 days of notification of the accident or event.

### PART Puc 412 ILEC CUSTOMER RELATIONS

#### Puc 412.01 Provision of Basic Service.

(a) An ILEC shall make basic service available to all customers within its franchise area.

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(b) An ILEC shall, directly or indirectly, make available to its customers all of the following as part of basic service:

- (1) Safe and reliable single-party service;
- (2) Touch tone service;
- (3) The ability to receive all non-collect calls at telephone lines which are capable of receiving calls without additional charge;
- (4) The ability to complete calls to any other telephone line, which is capable of receiving calls, in the state;
- (5) The opportunity to presubscribe to interLATA toll carriers;
- (6) The opportunity to presubscribe to intraLATA toll carriers;
- (7) Dialing parity;
- (8) Number portability;
- (9) Enhanced 911, pursuant to the requirements of the Bureau of Emergency Management, Emergency Communications Section, currently located at 33 Hazen Drive, Concord, New Hampshire, 03305, or its successor agency;
- (10) Statewide directory assistance;
- (11) Telecommunications Relay Service (TRS), pursuant to Puc 412.02 below;
- (12) A white pages directory listing;
- (13) A non-electronic telephone directory;
- (14) A caller identification per call blocking option;
- (15) A caller identification line blocking option that:
  - a. Is available to all customers without a recurring charge;
  - b. Is provided upon customer request without charge to customers who have elected non-published telephone numbers;
  - c. Is available without a non-recurring charge to customers who certify that Caller ID threatens their health or safety; and
  - d. Is available without a non-recurring charge when requested with installation of basic service;
- (16) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 calls;
- (17) The ability to report service problems to the customer's basic service provider on a 24 hour basis, 7 days a week; and

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- (18) Automatic Number Identification (ANI) to other carriers.

### Puc 412.02 Telecommunications Relay Service.

- (a) An ILEC shall perform the following duties as part of the TRS service:
- (1) An ILEC may collect TRS charges in the amount ordered by the commission in monthly basic service charges;
  - (2) An ILEC shall remit the required TRS charges per customer ordered by the commission, on or before the 20th day of each month, to the TRS trustee account designated by the commission.
  - (3) An ILEC shall provide the New Hampshire relay provider with all information necessary to ensure local calls placed through the TRS are not billed as toll calls.

### Puc 412.03 E911 Surcharge.

- (a) An ILEC shall collect the E911 surcharge required by RSA 106-H:9 in the amount ordered by the commission.
- (b) An ILEC shall remit monthly the amount collected pursuant to (a) above to the Bureau of Emergency Management, Emergency Communications Section, currently located at 33 Hazen Drive, Concord, New Hampshire, 03305, or its successor agency.

### Puc 412.04 ILEC Notices to Customers.

- (a) Unless otherwise specified, any notice to customers required by these rules shall:
- (1) Include the company name and relevant contact telephone number;
  - (2) Be provided:
    - a. In a separate mailing;
    - b. As a bill insert; or
    - c. By clear and conspicuous notice printed on the customer's bill; and
  - (3) Be sent separately from promotional materials.

### Puc 412.05 Bill Forms. [See final proposal “disconnect rules” 9-2-04.]

### Puc 412.06 Application of Payments.

- (a) An ILEC may require that its customers' bills are payable upon receipt by the customer.
- (b) If an ILEC provides that customers may pay bills to an authorized payment agency of the ILEC, the ILEC shall credit the customer for payment as if posted on the date payment is rendered to the authorized payment agency.

### Puc 412.07 Notice to Customers of Rate Increase. [See final proposal “disconnect rules” 9-2-04.]

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### Puc 412.08 Notice to Customers of Changes in Prices and Services Offered.

(a) 30 days prior to the effective date of any increase, an ILEC shall notify affected CLECs of the increase.

(b) Prior to the effective date of any price increase, ILECs shall notify all affected customers pursuant to Puc 412.04.

(c) A customer may, at any time up to and including 30 days following the written notice in (b), request discontinuation of the relevant service:

(1) If the rate increase has taken effect, the customer discontinuing the service shall automatically receive an adjustment in the amount of the increase, retroactive to the effective date of the rate increase.

### Puc 412.09 Slamming Prohibited.

(a) An ILEC shall comply with the FCC slamming regulations, 47 CFR 64.1100-1170 and 1190.

(b) If, after notice and opportunity for hearing, the commission finds an ILEC has switched a subscriber's selection of carrier without authorization, the commission shall impose an administrative penalty against the ILEC, not to exceed \$2,000 per subscriber line switched without authorization, pursuant to RSA 374:28-a, II.

(c) For repeated or flagrant slamming violations, after notice and opportunity for hearing, the commission may withdraw the ILEC's authorization to provide toll services, pursuant to RSA 374:28-a, III.

### Puc 412.10 Cramming Prohibited.

(a) An ILEC shall not engage in cramming.

### Puc 412.11 Advertising.

(a) An ILEC shall abide by the FCC/Federal Trade Commission Statement on Deceptive Advertising.

### Puc 412.12 Customer Refunds for Interruptions of Service.

(a) Upon request, the ILEC shall refund to an affected customer the *pro rata* part of that month's flat-rate charges for the period of days during which telephone service was not available, when the ILEC has not cleared an alarm or trouble report relating to a specific customer or customers within twenty-four (24) hours.

(b) The refund required by (a) above may be accomplished by a credit on a subsequent bill for telephone service of a customer.

### Puc 412.13 Directories.

(a) An ILEC shall regularly publish, or arrange to be published, one or more telephone directories so as to cover all exchanges which it serves, such directory shall:



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(1) List the name, address, and telephone number of people or businesses who can be called in the local service area.

(2) Be provided to each customer.

(3) Be revised annually.

(b) An ILEC shall provide reasonable access to information necessary to publish telephone directories.

(c) An ILEC shall provide or continue to provide any type or kind of telephone directory listing or advertisement to a customer despite that customer's choice to take service from a competitor.

(d) In case of an error or omission in the directory listings, an ILEC shall provide an adjustment to the affected customer's bill in the following manner:

(1) Listings for which the customer is not charged, the adjustment shall not exceed one-half of the basic monthly service charges during the period covered by the directory; or

(2) Listings for which customers are charged, the adjustment shall not exceed the total charges for such listing.

(e) In the event of an error in the listed number of any customer, and until a new directory is published, the ILEC shall intercept, if possible, all calls to the listed number and give the calling party the correct number of the party being called.

(f) In the event of an error in the name or address listing of any customer, the ILEC shall include such customer's correct name, address, and telephone number in the files and applicable databases of the information operator and shall furnish this information to every caller upon request.

(g) Whenever any customer's telephone number is changed for any reason after a directory is published, and until a new directory is issued, unless the customer requests otherwise, the ILEC shall:

(1) Intercept all calls to the former number for a period of no fewer than ninety (90) days and give the calling party the new number for that customer;

(2) Maintain the correct number in its directory assistance listing; and

(3) Furnish the correct number to any caller upon request.

### Puc 412.14 Publication of Telephone Numbers.

(a) An ILEC shall not publish or list numbers for which a customer or other carrier requests non-directory listed or non-published status.

(b) Customers who request non-published telephone numbers shall be informed by the ILEC, at the time of the request, that the caller identification line blocking option is available at no additional charge.

### Puc 412.15 Confidentiality Requirements.

(a) All communications between customers of utilities shall be deemed confidential.

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(b) No utility operators, employees or agents shall, except when a technical necessity exists:

(1) Listen to any telephone conversation between customers; or

(2) Monitor the content of non-voice communication such as data.

(c) Employees, including operators and agents of a utility, shall not repeat, divulge or use to any personal advantage or in any improper or illegal manner, any communication overheard or intercepted in any way, from or regarding, any telephone communication, including non-voice communication, to or from a customer of the utility.

(d) An ILEC shall develop and enforce written methods and procedures to establish strict compliance with customer confidentiality rules on the part of their employees and agents.

### Puc 412.16 Third Party Billing.

(a) An ILEC which provides third party billing of toll charges shall, prior to allowing a third party customer to be billed for a charge to be incurred, require its operators to verify the agreement of the third party customer to accept liability for the charge to be incurred.

### Puc 412.17 Exit Fees.

(a) ILECs shall not charge retail customers any exit fees, excluding contractual obligations.

Puc 412.18 Disconnection of Basic and Grandfathered Basic Service for Residential Customers. [See final proposal “disconnect rules” 9-2-04.]

Puc 412.19 Disconnection of Bundled Service. [See final proposal “disconnect rules” 9-2-04.]

Puc 412.20 Notice of Disconnection. [See final proposal “disconnect rules” 9-2-04.]

Puc 412.21 Disconnection Conferences with Customer. [See final proposal “disconnect rules” 9-2-04.]

Puc 412.22 Disconnection of Service to Non-residential Customers. [See final proposal “disconnect rules” 9-2-04.]

Puc 412.23 Disconnection of Associated Tariffed Services. [See final proposal “disconnect rules” 9-2-04.]

## PART Puc 413 ILEC EQUIPMENT AND FACILITIES

### Puc 413.01 Construction, Installation and Maintenance of Physical Plant.

(a) An ILEC shall:

(1) Construct, install and maintain its plant, structures, equipment, and lines in accordance with the National Electrical Safety Code (most recent edition), the National Electrical Code (most recent edition), and other recognized authorities;

(2) Construct, install and maintain its plant, structures, equipment, and lines to prevent interference with service furnished by other public service facilities, such as cable, fire alarm, electric, water, sewer, gas, or steam facilities;

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(3) At regular intervals, test, inspect, and perform preventive maintenance designed to achieve efficient, safe, adequate, and continuous operation of its system, repairing, adjusting, and replacing the following equipment and facilities as needed:

- a. Central office equipment, including all switching equipment;
- b. Interoffice and transmission equipment; and
- c. Local loop facilities.

(b) An ILEC shall preserve records of any and all tests and inspections, required by (a) (3) above, pursuant to Puc 416.01, regarding preservation of records.

(c) The records preserved pursuant to (b) above shall be made available to the Commission, on a confidential basis, upon request, and shall contain:

- (1) The equipment tested or inspected;
- (2) The reason for the test or inspection;
- (3) The general conditions under which the test or inspection was made;
- (4) The general result of the test; and
- (5) Any corrections which were made subsequent to the test or inspection.

### Puc 413.02 Restoration of Service.

(a) When a customer's telephone service is reported or found to be out of order or degraded, the ILEC shall restore the service as promptly as possible.

### Puc 413.03 Emergency Operations.

(a) An ILEC shall make reasonable provisions to meet emergencies resulting from any of the following:

- (1) Failures of commercial power service;
- (2) Sudden and prolonged increases in traffic;
- (3) Illness, strike, or labor unrest of employees;
- (4) Failure of a supplier to deliver materials or supplies;
- (5) Civil unrest; or
- (6) Any other significant disasters, including, but not limited to, fire, storms, floods, or other "acts of God" causing loss of communication to a large population and/or area of the state to the extent that the magnitude or duration is foreseeable.

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(b) An ILEC shall establish plans and procedures and issue instructions to its employees and agents to be followed in the event of an emergency in order to prevent or mitigate interruptions or impairment of telephone service.

(c) The preparations required by (b) above shall include plans and procedures for operations under extreme, severe or adverse conditions, such as natural disasters, strike, labor unrest, civil unrest or supplier disruption.

(d) The plans and procedures established under (c) above, shall be made available to the commission, on a confidential basis, upon request.

### Puc 413.04 Safety Instructions.

(a) An ILEC shall adopt instructions for the safety of employees and agents.

(b) An ILEC shall institute practices and programs to ensure that such employees and agents have been properly informed of safe practices and are cognizant of all hazards involved.

(c) An ILEC shall instruct its employees engaged in line construction, where pole facilities are used jointly with an electric utility, in the practice and use of accepted rules for resuscitation from electric shock.

(d) An ILEC shall provide copies of procedures developed pursuant to this section to each such employee or agent.

### Puc 413.05 Commission Inspections.

(a) An ILEC shall allow and assist the commission when it shall, from time to time, inspect the works and system of each ILEC and the manner in which each such ILEC has conformed to statutes, rules and orders.

### Puc 413.06 Quality of Service Standards.

(a) Each exchange shall have sufficient equipment to handle traffic.

(b) An ILEC shall conduct and record traffic studies to the extent and frequency necessary to determine that sufficient equipment is in use.

(c) An ILEC shall answer operator and directory assistance calls within the following parameters:

(1) At least 90% of all operator and directory assistance calls shall be answered within ten (10) seconds; and

(2) At least 50% of operator and directory assistance calls shall be answered within three (3) seconds.

(d) An ILEC shall provide sufficient interexchange trunks and interoffice channels to handle the traffic without delay such that the service shall engender no more than one blocked call, *i.e.*, busy signal, per 100 calls excluding the busy hour.

(e) An ILEC shall provide sufficient central office capacity and equipment to meet the following minimum requirements during any normal business hour as defined in (f) below:

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(1) Dial tone shall be provided within three (3) seconds on at least 98% of telephone calls; and

(2) Complete dialing of called numbers shall occur, without encountering a busy condition within the intra-ILEC inter-office trunks, on at least 97% of all attempted calls.

(f) For purposes of this section, a “normal busy hour” means the hour during which the ILEC carries the most calls on a typical business day.

(g) An ILEC shall adopt and enforce or make good-faith efforts to assure that any entity to which it subcontracts such services adopts and enforces, written methods and procedures for telephone operators and directory assistance personnel.

### PART Puc 414 ILEC ACCOUNTING REQUIREMENTS

#### Puc 414.01 Uniform System of Accounts.

(a) Pursuant to RSA 374:8, the commission establishes and designates the “Uniform System of Accounts for Telecommunications Companies” as a uniform system of accounts.

(b) An ILEC shall maintain and preserve its accounts and records in conformity with the “Uniform System of Accounts for Telecommunications Companies” as prescribed by the commission.

#### Puc 414.02 Reserved for Future Use [Affiliate Transaction Records].

#### Puc 414.03 Short Term Debt.

(a) No utility shall issue or renew any notes, bonds or other evidence of indebtedness payable less than 12 months after the date thereof if said short term debt exceeds 10% of the net depreciated value of the utility's plant.

### PART Puc 415 ILEC REPORTS AND FILINGS

#### Puc 415.01 Annual Reports.

(a) Unless otherwise specified in this part, reports filed annually are due on or before March 31<sup>st</sup> of each year, and shall cover the most recent fiscal year.

(b) An ILEC shall file the following commission reports annually:

(1) Form ILEC-1 Contact Information;

(2) Form ILEC-2 Assessment Report;

(3) Form ILEC-3 Annual Report;

(4) Form ILEC-4 Quality of Service Report;

(5) Form ILEC-5 Quality of Service Report Card; and

(6) An ILEC having annual revenues from regulated telecommunications operations of \$100,000,000 or less and is an average schedule company, as defined above, shall file Form ILEC-6 Jurisdictional Separations Report.

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- a. Form ILEC-6 is due on or before July 31<sup>st</sup> of each year.
- (c) A copy of the following reports, if filed by an ILEC, shall be provided:
- (1) Shareholder annual reports, which must be received by the commission within 7 days from the date of mailing the same to shareholders;
  - (2) Securities and Exchange Commission (SEC) filings, which must be received by the commission within 15 days from the initial filing date with the SEC; and
  - (3) Rural Utilities Service Annual Reports, which must be received by the commission on or before March 31<sup>st</sup> of each year.

### Puc 415.02 Quarterly Reports.

- (a) An ILEC shall file Form ILEC-23 Quarterly Financial Report each quarter, within 45 days of the end of the quarter, which shall cover the most recently completed calendar quarter.

### Puc 415.03 Monthly Reports.

- (1) An ILEC shall file Form ILEC-21 Report of Customer Troubles, on or before the 10<sup>th</sup> day of each month, which shall cover the most recent month.
- (2) An ILEC having annual revenues from regulated telecommunications operations of \$100,000,000 or more shall file Form ILEC-22 Monthly Financial Report, within 45 days of the end of the reported period.

### Puc 415.04 Other Reports.

- (a) An ILEC shall file Form ILEC-1 Contact Information within 10 days of any changes to the most recently filed "Contact Information."
- (b) An ILEC shall file Form ILEC-30 Utility Accident Report, pursuant to Puc 411.09 (d), within 10 days and sixty days of a reportable accident.
- (c) An ILEC shall file Form ILEC-31 Petition for Authority to Issue Securities when seeking authority to issue securities.
- (d) An ILEC shall file Form ILEC-32 Report of Proposed Fixed Capital Expenditures when:
- (1) The estimated cost of any addition, extensions or capital improvement to its utility will exceed the following reportable amounts, as shown in the table below:

<b>Reportable Amounts By Utility Plant Range</b>	
<b>Utility Plant Range</b>	<b>Reportable Amount</b>
\$ 400,000 and under	\$ 5,000
400,001 to \$ 1,000,000	\$ 10,000
1,000,001 to 2,000,000	\$ 15,000
2,000,001 to 3,000,000	\$ 22,500
3,000,001 to 50,000,000	\$ 30,000
50,000,001 to 100,000,000	\$ 50,000
100,000,001 and over	\$ 100,000

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(2) The reportable amount, for purposes of (1) above, shall be based on the gross fixed capital, as of December 31st of the calendar year immediately preceding.

(3) The reporting limits established in (1) above shall apply to total project cost including contributions in aid of construction.

(e) An ILEC shall file Form ILEC-33 Report of Proposed Changes in Depreciation Rates, when proposing any changes in depreciation rates.

(1) An ILEC shall not implement any change in depreciation rates until the proposed change has been approved by the commission.

(f) An ILEC shall file Form ILEC-38 Report of Outages, pursuant to Puc 411.08 (b) whenever a significant service outage occurs.

### Puc 415.05 Submitting Reports and Forms.

(a) An ILEC shall submit any report or form to the commission by:

(1) Mail to: New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, NH 03301-2429; and/or

(2) Electronic report filing (ERF), or its successor, on the commission website.

a. Any electronic filing must comply with Puc 202.08 regarding filing requirements.

### Puc 415.06 Confidential Treatment.

(a) An ILEC which seeks confidential treatment of any of the reports required by this section shall do so pursuant to RSA 378:43.

## PART Puc 416 ILEC RECORDS

### Puc 416.01 General Preservation and Location of Records.

(a) An ILEC shall preserve all records mandated by Puc 200, 400, and 1600 for a period of five years unless otherwise designated by the commission's rules governing the preservation of records, including but not limited to Puc 414.01.

(b) An ILEC shall make available the records required to be preserved pursuant to (a) above to the commission, or its designated representative for examination during the ILEC's normal business hours.

(c) An ILEC that maintains an office within New Hampshire shall provide any records requested by the commission at the ILEC's normal place of business in New Hampshire.

(d) An ILEC that does not maintain an office within New Hampshire shall provide any records requested by the commission at the office of the commission.

## PART Puc 417 ILEC INTERCARRIER OBLIGATIONS

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### Puc 417.01 Resale Requirements.

- (a) All ILEC services shall be available for purchase for resale by other telecommunications carriers, limited by (b) below.
- (b) The following restrictions on resale of retail services apply:
  - (1) An ILEC may prohibit a CLEC from offering, as resold services to non-residential customers, telecommunications services that the ILEC makes available only to residential customers or to a limited class of residential customers; and
  - (2) An ILEC shall not be required to apply a wholesale discount to special promotional rates that will be in effect for no more than 90 days, pursuant to the Telecommunications Act of 1996.
- (c) The commission shall determine just and reasonable wholesale discounts when applicable.
- (d) If an ILEC which desires to make a telecommunications service available only to a limited group of customers that have purchased such a service in the past, in effect grandfathering the service, the ILEC shall:
  - (1) Demonstrate to the commission that the action is not anti-competitive; and
  - (2) Make the service available at wholesale rates to requesting carriers to offer on a resale basis to the same limited group of customers.

### Puc 417.02 Basis of Pricing for Interconnection, Unbundling and Resale.

- (a) Pricing for interconnection, unbundling, and resale shall be non-discriminatory.
- (b) Pricing for interconnection, unbundling, and resale services shall be approved by the commission.

### Puc 417.03 Intercompany Cooperation.

- (a) An ILEC shall cooperate with all other carriers to ensure a ubiquitous, seamless, transparent telecommunications network in New Hampshire.
- (b) For the purpose of (a) above, a seamless telecommunications network means one in which customers do not perceive any transition from one carrier to the next.

### Puc 417.04 Switching and Signaling Obligations.

- (a) ILECs shall:
  - (1) Provide answer and disconnect supervision in accordance with industry standards;
  - (2) Complete the following kinds of calls unless screened or blocked at the customer's request:
    - a. Collect calls; and
    - b. Third party calls;



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- (3) Provide access to operator services pursuant to the Telecommunications Act of 1996;
- (4) Provide reasonable access to all signaling information pursuant to industry protocols;
- (5) Not interfere with the transmission of signaling information;
- (6) Protect Customer Proprietary Network Information (CPNI) at least to the level required by FCC regulations; and
- (7) Communicate, both on a demand and preventative basis, information regarding maintenance necessary to insure successful call completion.

### Puc 417.05 Trouble Reporting and Resolution Obligations.

- (a) An ILEC shall accept and respond to repair requests, trouble reports and service orders without regard to whether the service is retail or wholesale, or being resold or migrated;
- (b) An ILEC shall ensure that trouble reports are directed to the correct carrier(s) in a timely manner;
- (c) An ILEC shall rectify any customer troubles in a prompt manner;
- (d) An ILEC shall be governed by the following:
  - (1) The carrier providing the customer's local exchange service, that is, dial tone, is responsible for reporting and coordinating troubles that involve interruption of service.
  - (2) The carrier receiving a trouble report from its customer regarding the non-completion of a call is responsible for accepting, reporting and coordinating the resolution of that trouble.

### Puc 417.06 Rights of Way.

- (a) An ILEC shall provide access to any pole, duct, conduit or right of way owned or controlled by the ILEC in accordance with the Telecommunications Act of 1996.

### Puc 417.07 Billing and Collections.

- (a) An ILEC shall provide billing and collection services for casual calling.
- (b) An ILEC shall exchange data necessary for billing and collection.

### Puc 417.08 Carrier to Carrier Migrations.

- (a) An ILEC shall not release confidential customer information, including customer usage data and customer payment information, without written authorization from the customer, unless otherwise required by law.
- (b) An ILEC shall:
  - (1) Accept and respond to requests for customer information, service and feature information, migration and installation orders without regard to whether the service is being resold or migrated;

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- (2) Refrain from marketing or otherwise initiating communications to retain or obtain a customer for at least fourteen days following these events:
  - a. Receipt of an order to transfer, change or install the customer's service;
  - b. Receipt of a request for customer service records or information from a competing carrier; and
  - c. Completion by the carrier of an order to migrate a customer from its services to a competing carrier;
- (3) Be responsible, when acquiring a new customer, for scheduling the events of a migration and for notifying the customer of the timing and impact of those events;
- (4) Maintain an end-user's right to privacy at all times;
- (5) Work together in good faith with other carriers to minimize or avoid any problems, including but not limited to service interruptions and billing problems, when migrating end users;
- (6) Maintain a company contact escalation list, and make that list available to any competing carrier to whom or from whom they will migrate customers;
- (7) When porting a customer's number, release the number without delay or consideration of any issue such as the customer's account balance;
- (8) Be responsible for building a port trigger in their telephone number translations at least one business day prior to a cutover; and
- (9) Upon notification of number porting, ensure that the port trigger will query the Number Portability Administration Center database every time a call is placed to the telephone number being cut over.

### Puc 417.09 Duplicate Provisioning of Residential Service.

- (a) A CLEC shall release unused unbundled loop facilities within five working days of a request from a new local service provider.
- (b) If a residential customer has ordered service from a LEC which cannot be installed because unbundled loop facilities were not made available pursuant to (a) above:
  - (1) If the old LEC fails to release the facilities, the new LEC must provision new facilities to provide basic service to the end user. Construction costs for the new service may be recovered from:
    - a. The new customer, at no more than the standard installation charge that would have normally been incurred; and
    - b. From the old service provider, less the amount collected pursuant to (1) above.

### Puc 417.10 Intercompany Contact Information.

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(a) An ILEC shall provide and regularly maintain contact and escalation lists for network, interconnection and provisioning issues.

(b) The information described in (a) above shall be provided:

- (1) To the commission; and
- (2) On a web page, if the ILEC maintains a website.

(c) Substantive changes to the location or content of the information shall be updated within five business days.

### Puc 417.11 Accessing, Maintaining and Updating of Databases.

(a) The administrator of the following databases shall provide reasonable access for the purpose of maintaining and updating the information therein:

- (1) Directory assistance;
- (2) Automated Number Identification and Automated Line Identification in the E911 database;
- (3) The toll-free 800 database;
- (4) The Line Information Database (LIDB);
- (5) Advanced Intelligent Network; and
- (6) Other databases necessary for the provision of ubiquitous service.

(b) ILECs shall maintain and update the following information in a timely and responsible manner:

- (1) Directory assistance;
- (2) Automated Number Identification and Automated Line Identification in the E911 database;
- (3) The toll-free 800 database;
- (4) The Line Information Database (LIDB);
- (5) Advanced Intelligent Network; and
- (6) Other databases necessary for the provision of ubiquitous service.

### Puc 417.12 Directory Obligations.

(a) ILECs shall provide reasonable access to information necessary to publish telephone directories;

(b) ILECs shall permit any carrier to list its customers' telephone numbers in the ILEC's published white and yellow pages telephone directory or directories;

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(c) ILECs shall not publish or list numbers for which CLECs or ILECs request non-directory listed or non-published status.

### PART Puc 418 ILEC UNBUNDLING RULES

#### Puc 418.01 Unbundled Network Elements.

(a) A non-exempt ILEC shall provide requesting telecommunications carriers' nondiscriminatory access to network elements.

(b) The commission shall determine just and reasonable rates for network elements.

(c) A non-exempt ILEC shall tariff and make available the following network elements:

(1) The local loop;

(2) The network interface device, which means a cross-connect device used to connect loop facilities to inside wiring;

(3) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services;

(4) Local switching unbundled from transport, local loop transmission, or other services, including tandem switching;

(5) Interoffice transmission facilities as defined and described in Part 51 of the Code of Federal Regulations, Section 51.319(d);

(6) Signaling networks and call-related databases as defined and described in Part 51 of the Code of Federal Regulations, Section 51.319(e);

(7) Operations support systems functions as defined and described in Part 51 of the Code of Federal Regulations, Section 51.319(f); and

(8) Operator services and directory assistance where technically feasible.

(d) The terms, conditions and prices for unbundled network elements shall be non-discriminatory.

(e) When a CLEC submits a request for an unbundled network element not listed in (c) above which is technically capable of being unbundled, and:

(1) The request is approved, the ILEC shall:

a. Provide to the requesting CLEC a price quote which shall include, at a minimum, the following:

1. A description of each network element;

2. The applicable rates; and

3. The installation intervals.

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b. Provide the information required above within 120 days of the ILEC's receipt of the request.

(2) If an ILEC denies a request:

a. The ILEC shall:

1. Provide to the requesting CLEC a written specific explanation of why it is technically infeasible to grant or otherwise lawful to deny the request.

2. Issue its denial and explanation of the denial to the requesting CLEC within 30 days of the ILEC's receipt of the request.

b. The CLEC may petition the commission for a hearing as to whether the denial should be reversed.

1. In the event that a CLEC petitions the commission pursuant to b. above, the commission shall permit an ILEC's denial if the commission concludes that:

i. The requested network element is proprietary or contains proprietary information that will be revealed if the network element is unbundled; and

ii. The requesting CLEC could offer the same proposed service through the use of other, nonproprietary unbundled network elements.

### PART Puc 419 ILEC INTERCONNECTION

#### Puc 419.01 Provision of Interconnection.

(a) ILECs shall provide non-discriminatory interconnection at technically feasible points within the ILEC's network including, at a minimum:

(1) The line-side of a local switch;

(2) The trunk-side of a local switch;

(3) The trunk interconnection points for a tandem switch;

(4) Central office cross-connect points;

(5) Out-of-band-signaling transfer points necessary to exchange traffic at these points and access call-related databases; and

(6) Points of access to unbundled network elements as described in Puc 418.01 above.

(b) An ILEC shall not require physical collocation to achieve interconnection.

(c) The interconnection provided by an ILEC shall have a level of quality that is equal to that which the ILEC provides itself.

#### Puc 419.02 Terms and Conditions.

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(a) The terms and conditions by which interconnection is provided by an ILEC shall be offered:

(1) Equally to all requesting CLECs; and

(2) At terms and conditions that are no less favorable than the terms and conditions the ILEC provides to itself.

(b) An ILEC shall provide citations to necessary technical references to CLECs or ILECs who interconnect or seek to interconnect.

(c) An ILEC shall not charge a CLEC for the cost and timely correction of violations of the National Electrical Safety Code and the National Electrical Code that existed prior to a CLEC's request to access poles, ducts, conduits, or rights of way.

### Puc 419.03 Network Changes.

(a) Network changes affecting interconnection made by an ILEC shall be backwards compatible for three years from the introduction of the upgrade.

(b) At least 6 months prior to network changes affecting interconnection, an ILEC shall make available to other ILECs and CLECs necessary information relating to network design and technical standards, and information concerning changes to the network that affect interconnection.

### Puc 419.04 Denial of Interconnection Request.

(a) When a CLEC is denied a request for interconnection at a point not listed in Puc 419.01 (a) it may petition the commission for a hearing as to whether the denial should be reversed.

(1) In the event that a CLEC petitions the commission pursuant to (a) above, the commission shall reverse an ILEC's denial unless the ILEC proves that interconnection at that point is not technically feasible.

a. Previous successful interconnection at the particular point using particular facilities, or at substantially similar points in networks employing substantially similar facilities, shall constitute substantial evidence of technical feasibility for interconnection at a particular point.

## PART Puc 420 ILEC EXTENDED AREA SERVICE

### Puc 420.01 Definitions.

(a) "Billed customer" means a residential or business local service telephone customer of an ILEC characterized by receipt of a single telephone bill which can include billing of more than one telephone number and which can provide service for more than one occupant.

(b) "Two-way EAS" means local toll free calling to and from each of 2 exchanges.

### Puc 420.02 Petition Requirements.

(a) Any interested party may petition the commission to modify an EAS by submitting:

(1) A petition to the commission; and

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- (2) A copy of the petition to the affected ILEC(s).
- (b) A petition submitted pursuant to (a) above shall:
  - (1) Request two-way EAS to a single additional exchange;
  - (2) Be considered as a two-way proposal;
  - (3) Be signed by 10% or more of the billed customers within the petitioning home exchange;
  - (4) Include a description by NXX number of the EAS modification requested;
  - (5) Include, together with each signature:
    - a. The telephone number of the billed customer signing; or
    - b. An indication that the signer's phone number is in the exchange proposing EAS, but that the phone number is unlisted;
  - (6) Certify that the following information has been disclosed to each billed customer signing in support of the petition, at the time of signing:
    - a. A description of the proposed change to the EAS;
    - b. That there might be an increase of the local service rate as a result of the EAS modification;
    - c. That each customer signing is required to be a billed customer in the petitioning home exchange;
    - d. The exchanges in the existing EAS;
    - e. That one signature only shall be counted for each billed customer; and
    - f. That the EAS petition is for two-way EAS;
  - (7) Include an affirmation by the petitioner, as follows:
    - a. "To the best of my knowledge and belief, (1) the signatures contained in the attached proposal to modify EAS are true and valid; (2) persons signing the proposal are billed customers in the exchange proposing expanded EAS; and (3) 1 signature only has been counted for each billed customer."; and
  - (8) Provide a statement as to whether billed customers in the petitioning exchange are able to call, without a toll charge, each of the following services:
    - a. Relevant public schools;
    - b. A general medical practitioner;
    - c. A pharmacy;

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- d. A banking facility;
- e. A central business area comprised of 12 or more businesses;
- f. An internet provider.

(c) Any petition submitted pursuant to (a) above shall not propose service or terms which a provider of local service cannot offer.

(d) If an interested party submits an EAS petition which complies with the requirements of Puc 420.02, the commission shall open a docket and evaluate the proposed EAS as described in Puc 420.03.

(e) If an interested party submits an EAS petition which does not comply with the requirements of Puc 420.02, the commission shall respond pursuant to RSA 541-A:29.

(f) No person shall, for a period of one year following denial or final determination, submit to the commission an EAS petition which does not materially differ from a previously submitted EAS petition for which the commission has issued a denial or final determination.

### Puc 420.03 Determination of Whether to Conduct A Hearing.

(a) If the petitioning exchange is not able to call, without a toll charge, 3 or more of the services listed in Puc 420.02 (b)(8), then the petition, unless disqualified pursuant to Puc 420.02, shall result in a hearing as described in Puc 420.05.

(b) If the petitioning exchange is not able to call the area's public schools, without a toll charge, then the petition, unless disqualified pursuant to Puc 420.02, shall result in a hearing as described in Puc 420.05.

(c) If the petitioning exchange is able to call, without a toll charge, 3 or more of the services listed in Puc 420.02 (b)(8), then the petition, unless disqualified pursuant to Puc 420.02, shall result in a traffic study, as provided in Puc 420.04, to determine whether a community of interest exists.

### Puc 420.04 Traffic Study.

(a) The ILEC shall, within 60 days of a request from the commission, conduct a traffic study and provide to the commission the results of the traffic study.

(b) If the traffic study demonstrates a community of interest sufficient to require a hearing as described in Puc 420.05 if calling from the petitioning exchange to the requested exchange shows:

- (1) An average of 5 or more calls per month per access line; and
- (2) That 40% of access lines make 3 or more calls per month.

(c) If the traffic study does not demonstrate a community of interest sufficient to require a hearing, then the petition shall be denied.

### Puc 420.05 Hearings Before the Commission.



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(a) When the commission conducts a hearing, pursuant to Puc 420.03, the commission shall determine whether to conduct a poll of the billed customers in the petitioning exchange and, if applicable, the requested exchange.

(b) In determining whether to conduct a poll of the billed customers of the relevant exchanges, the commission shall consider whether:

- (1) There is sufficient customer demand in the relevant exchange(s);
- (2) Enlarging the local calling area will jeopardize competition;
- (3) The proposal if granted would eliminate or decrease the need for municipal calling service;
- (4) The proposed EAS expansion would be consistent with state and federal law;
- (5) Local rates will increase as a result of the expansion; and
- (6) Other similar considerations exist consistent with (1) through (5) above.

(c) The commission shall conduct a poll of the billed customers of the affected exchanges if it determines, after considering the factors described in (b) above, that the change in EAS:

- (1) Is necessary to create an EAS which offers affordable rates;
- (2) Shall not jeopardize competition;
- (3) Is consistent with state and federal laws; and
- (4) Impacts positively on the affordability, accessibility and efficient delivery of services provided.

(d) The commission shall deny the petition if it determines, after considering the factors described in (b) above, that the change in EAS does not satisfy the conditions described in (c) above.

### Puc 420.06 Determination of Rate Impact.

(a) In order to allow the commission to determine what, if any, increase in local rates would be necessary as a result of the proposed EAS expansion, the affected incumbent local exchange carrier(s) shall provide the commission, within 30 days of a commission request, the following information:

- (1) For ILECs whose local service rates are based on the number of exchange access lines in the local calling area the ILEC shall:
  - a. Determine the number of exchange access lines in the local calling area resulting from the proposed EAS expansion;
  - b. Identify the local service rate associated with the number of exchange access lines in the proposed local calling area; and
1. Calculate the rate impact for each affected customer.

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(2) For ILECs whose local service rates are not based on the number of lines in the local calling area the ILEC shall:

- a. Determine the number of exchange access lines in the local calling area resulting from the proposed EAS expansion; and
- b. Propose a local service rate consistent with the expanded local calling area.

### Puc 420.07 Poll of Affected Exchanges.

(a) When the commission or its designee conducts a poll of the petitioning and, if applicable, the requested exchanges:

(1) The poll shall be conducted within 2 months of the determination of the rate impact as determined above;

a. The poll shall include:

1. Billed customers of the petitioning exchange; and
2. The billed customers in the requested exchange if granting the proposed EAS expansion will result in an increase in local service rates in the requested exchange; and
3. A poll ballot shall be provided for the billed customers to complete which:

b. The poll shall:

1. Explain that the billed customer may vote in favor of:
  - i. Leaving service as it is; or
  - ii. Adding a specific exchange with the appropriate increase in the local service rate, if any;
2. State the monthly increase, if any, to the grades of service in the petitioning exchange and, if applicable, in the requested exchange, which will result if the billed customers vote to approve the proposed EAS expansion; and
3. State the date by which the billed customer shall return the completed ballot to the commission.

### Puc 420.08 Results of Poll.

(a) The petition shall be granted if:

(1) Votes are received from not fewer than 25% of the billed customers in the petitioning exchange; and

(2) A simple majority of the billed customers in the petitioning exchange and requested exchange, if applicable, responding to the poll, after combining all votes, vote in favor of the EAS proposal.

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PART Puc 421 RESERVED FOR FUTURE USE

PART Puc 422 RESERVED FOR FUTURE USE

PART Puc 423 RESERVED FOR FUTURE USE

PART Puc 424 RESERVED FOR FUTURE USE

PART Puc 425 RESERVED FOR FUTURE USE

PART Puc 426 RESERVED FOR FUTURE USE

PART Puc 427 RESERVED FOR FUTURE USE

PART Puc 428 RESERVED FOR FUTURE USE

PART Puc 429 ILEC FORMS

Puc 429.01 Availability of Forms.

(a) All commission forms shall be available on the commission's web site at <http://www.puc.nh.gov/Telecom/telecom.htm> or its successor site.

(b) Forms may be submitted electronically, but an ILEC must comply with Puc 202.08 regarding filing requirements.

Puc 429.02 Form ILEC-1 Contact Information.

(a) The "Contact Information" form, required by Puc 411.06, shall include:

(1) The current date;

(2) General information, listing the company's:

- a. Legal company name;
- b. The business name the company uses with its customers;
- c. Complete mailing address; and
- d. Internet address, if the ILEC maintains a website.

(3) Contact information for the following individuals:

- a. Person responsible for preparing the annual report;
- b. Person responsible for regulatory and tariff related matters;
- c. Person that the commission's consumer affairs division shall call regarding customer complaints;
- d. Person responsible for consumer complaints;

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- e. Person responsible for filing “Form ILEC-2 Assessment Report;” and
- f. Person responsible for paying assessment bills.

(4) Contact information for each individual in (3) above shall consist of:

- a. Name and title;
- b. Mailing address;
- c. Phone and fax numbers; and
- d. Email address.

(5) Names and titles of principal officers.

### Puc 429.03 Form ILEC-2 Assessment Report.

(a) The “Assessment Report,” required by Puc 415.01, shall include:

- (1) Name and address of the company;
- (2) Company’s federal employer identification number (FEIN);
- (3) Contact person’s name, phone number and email address;
- (4) Calendar year ending; and
- (5) Gross utility revenue during the period.

(b) The “Assessment Report” shall be:

- (1) Signed and dated by an authorized representative, along with:
  - a. Printed name and title of the signatory.

### Puc 429.04 Form ILEC-3 Annual Report.

(a) The “Annual Report,” required by Puc 415.01, shall include:

- (1) A complete history of the ILEC, on schedule A-1, General Information;
- (2) A list of officers on schedule A-2, List of Officers;
- (3) A list of directors on schedule A-3, List of Directors;
- (4) A List of shareholders on schedule A-4, Shareholders and Voting Powers, including:
  - a. Lengths of terms;
  - b. Voting powers; and
  - c. Compensation received from all sources.

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(5) A description of service territory and expenses on schedule A-5, List of Exchanges Served Directly, including:

- a. List of towns served; and
- b. Number of customers.

(6) Payment to individuals on schedule A-6, Payments to Individuals, including:

- a. Names and addresses of individuals; and
- b. Amounts paid.

(7) Management fees and expenses on schedule A-7, Management Fees and Expenses, including:

- a. Dates of contracts;
- b. Amounts paid; and
- c. Distribution of accruals or payments.

(8) Important changes during the year on schedule A-8, Important Changes During the Year, which requires:

- a. Extensions of territory covered;
- b. Purchase and sale of operating systems;
- c. Substantive mergers and abandonments;
- d. Estimated increase or decrease in annual revenues due to important rate changes;
- e. Changes in articles of incorporation or amendments to charter; and
- f. Reference to a previously filed map defining the territory, unless:
  - 1. A map has not been previously filed;
  - 2. There have been changes to the territory; or
  - 3. The calendar year ends in "0" or "5."

(9) Financial disclosure on schedule A-9, Financial Disclosure Reporting, that includes:

- a. Data necessary to prevent the information from being misleading, such as:
  - 1. Extraordinary or material, unusual or infrequently occurring items;
  - 2. Significant principles or practices from those used in the prior year; and
  - 3. The acquisition or disposition of significant operation, assets or liabilities.

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- b. Uncertainties that could affect the fairness of the information, including significant changes in the status of loss contingencies since the prior year; and
  - c. If revenues, costs, or expenses are accrued or deferred in a manner different from that of the prior year, the method used and the amount of such accruals or deferrals.
- (10) The balance sheet at year end on schedule F-10, Balance Sheet, showing:
  - a. Assets, liabilities; and stockholders' equity.
- (11) An income statement on schedule F-11, Income Statement, showing:
  - a. Amounts for the current year; and
  - b. Changes over the prior year.
- (12) A jurisdictional income statement on schedule F-11A, Preliminary Jurisdictional Income Statement, unless exempted by b. below;
  - a. The jurisdictional income statement shall provide intraLATA, interLATA, and total company data in an income statement format, showing:
    - 1. Revenue for the current year, broken out by account;
    - 2. Operating expenses and non-operating income, broken out by account, computed as follows:
      - i. Company total amounts based on the total for the current year.
      - ii. InterLATA amounts based on the separation factor determined by the prior year's cost study, times the company total amount as listed in i. above
      - iii. IntraLATA amounts based on the difference between the company total amount and the interLATA amount.
    - 3. Net income based on the amounts used in 1. and 2., above;
    - 4. The change in each company total amount based on the difference between the current year and the prior year.
  - b. Company's that do not base separation factors on cost studies are not required to file schedule F-11a, Preliminary Jurisdictional Income Statement.
- (13) An analysis of telecommunications plant accounts on Schedule B-12A, Analysis of Telecommunications Plant Accounts, showing:
  - a. Balances at beginning and end of year; and
  - b. Current year charges and credits.
- (14) An analysis of telecommunications plant-in service retired on Schedule B-12B, Analysis of Telecommunications Plant-In Service Retired, including:
  - a. Accounts charged;

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- b. Amounts charged or credited for plant sold with traffic; and
- c. Amounts charged or credited for other plant retired.

(15) An analysis of entries in property held for future telecommunications use on Schedule B-12C, Analysis of Entries in Property Held for Future Telecommunications Use – Account 2002, including:

- a. Location and description of property;
- b. Date the property was recorded;
- c. Book cost;
- d. Additions and retirements during the year; and
- e. Transfers and adjustments during the year.

(16) An analysis of capital leases on Schedule B-12D, Capital Leases, listing for each lease:

- a. The type of property;
- b. Present value of the lease;
- c. Accumulated amortization;
- d. Net book value at the end of the period;
- e. Amount to be paid in the coming year;
- f. The long-term portion of the obligation;
- g. Amount charged to amortization during the year; and
- h. Interest paid during the year.

(17) An analysis of telecommunications plant acquired on Schedule B-13A, Analysis of Telecommunications Plant Acquired – Account 1439, showing for each acquisition:

- a. The vendor name;
- b. Debits posted to:
  - 1. Purchase price;
  - 2. Reserve requirement;
  - 3. Acquisitions expense; and
  - 4. Other accounts.
- c. Credits posted to:
  - 1. Telecommunications plant in-service;

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2. Telecommunications plant adjustment;
3. credits during the year; and
- d. Beginning and ending balances.

(18) An analysis of telecommunications plant purchased from or sold to affiliates on Schedule B-13B, Analysis of Telecommunications Plant Purchased from or Sold to Affiliates, including for each purchase:

- a. The affiliate name;
- b. Whether the transaction was a purchase or sale;
- c. Original cost;
- d. Net book value;
- e. Fair market value;
- f. Purchase price; and
- g. Sale price.

(19) An analysis of entries in accumulated depreciation by plant account on Schedule B-14A, Analysis of Entries in Accumulated Depreciation – Accounts 3100 and 3200, including for each entry:

- a. Beginning and ending balances;
- b. Credits to accumulated depreciation from:
  1. Depreciation expense and
  2. Other credits.
- c. Charges to accumulated depreciation from:
  1. Sale of plant with traffic;
  2. Retirement of other plant; and
  3. Other.
- d. Data relating to sale of plant with traffic, including:
  1. Book cost;
  2. Selling price;
  3. Commission and other expenses; and
  4. Charge to reserves.



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- e. Data relating to sale of other plant, including:
    - 1. Charge or credit to surplus;
    - 2. Book cost;
    - 3. Cost of removal;
    - 4. Salvage and insurance;
    - 5. Miscellaneous adjustments; and
    - 6. Charge to reserves.
- (20) Basis of charges for depreciation on Schedule B-14B, Basis of Charges for Depreciation, for all subclass accounts for which a depreciation rate is determined, including:
- a. Whether the depreciation rate is based on whole life or remaining life;
  - b. Asset life in years;
  - c. Net salvage as a percentage of original cost;
  - d. Accumulated depreciation as a percentage of original cost;
  - e. Prescribed depreciation rate; and
  - f. Ratio of depreciation charges to average monthly book cost.
- (21) An analysis of entries in accumulated amortization, on Schedule B-15, Analysis of Entries in Accumulated Amortization – Accounts 3410, 3420, 3500, and 3600, showing for each account:
- a. Additions during the year;
  - b. Clearances during the year; and
  - c. Basis of annual amortization charges.
- (22) A statement of cash flows on Schedule B-16, Statement of Cash Flows, showing:
- a. Cash flows from operating activities;
  - b. Cash flows from financing activities;
  - c. Cash flows from investing activities;
  - d. Net increase/decrease in cash; and
  - e. Cash at beginning and end of calendar year;
- (23) A schedule of receivables and investments with related companies on Schedule B-17, Receivables and Investments – Affiliated and Nonaffiliated Companies;

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- a. “Nonaffiliated” means a company for which the ILEC has an ownership interest, but the relationship does not meet the definition of affiliate, as set out in Puc 409.
  - b. The schedule will show:
    - 1. For investments and receivables with affiliated companies:
      - i. The name of the affiliate company; and
      - ii. The year end balances of the receivables and investments with that company, entered in the proper account classifications.
    - 2. For investments and receivables with nonaffiliated companies:
      - i. The year end total of receivables and investments, entered in the in the proper account classifications.
- (24) Other prepayment balances on Schedule B-18, Other Prepayments – Account 1330, showing:
- a. A description for each prepayment item; and
  - b. The balance at year end.
- (25) Other current asset balances on Schedule B-19, Other Current Assets – Account 1350, showing:
- a. A description for each item in the other current assets account; and
  - b. The balance at year end.
- (26) A schedule of sinking funds on Schedule B-20, Sinking Funds – Account 1408, listing for each fund:
- a. The balance at year end;
  - b. For withdrawals that were for purposes other than those for which the fund was created, an explanation for the withdrawal;
  - c. If the trustee is an associated company, the name of the company; and
  - d. A list of each security or other asset which comprises non-cash assets, providing:
    - 1. A description of the security or asset;
    - 2. If the fund is comprised of assets other than cash, provide a list of each asset in the fund showing:
      - i. When applicable, the interest or dividend rate;
      - ii. The cost;
      - iii. When applicable, the number of shares or principal amount; and

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iv. The balance at year end.

(27) Non-current assets on Schedule B-21, Other Non-current Assets – Account 1410, with listing the following for each item in the account:

- a. A description; and
- b. The balance at year end.

(28) Deferred charges on Schedule B-22, Deferred Charges – Account 1438 and 1439, listing for each account:

- a. For charges of \$500 or more:
  - 1. A description of the charge; and
  - 2. The balance at year end.
- b. For charges less than \$500, the total of those charges.

(29) Unamortized debt issuance expense on Schedule B-23, Unamortized Debt Issuance Expense – Account 1407, showing for each item:

- a. Principal amount;
- b. Debt issuance expenses;
- c. Beginning and ending balances;
- d. The start and end of the amortization period;
- e. Entries posted to:
  - 1. Debt issuance expense; and
  - 2. Amortization of debt issuance expense.
- f. For entries other than amortization posted to the amortization of debt issuance expense account, an explanation the entry.

(30) Long-term debt on Schedule B-24, Long-Term Debt - Accounts 4210, 4260, and 4270, showing for each obligation in the account:

- a. A description;
- b. Dates of issuance and maturity;
- c. Face amount;
- d. Unamortized premium;
- e. Stated interest rate; and
- f. Interest charged to interest on funded debt account during the year.

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(31) Notes payable on Schedule B-25 – Account 4020, Notes Payable, listing for each obligation:

- a. The creditor name;
- b. Whether the creditor is an affiliate or nonaffiliate;
- c. Description of the type of indebtedness, for example a note or draft;
- d. Dates of issuance and maturity;
- e. Balance at year end;
- f. Interest rate, and
- g. Interest expensed during the year.

(32) Accounts payable on Schedule B-26, Accounts Payable - Accounts 4010, 4120 and 4130, with a separate list for each account showing:

- a. For each of the 9 largest creditors with amounts owed exceeding \$10,000:
  1. The name of the creditor; and
  2. The balance of the obligation at year end.
- b. For amounts owed to affiliated companies:
  1. The name of the affiliate; and
  2. The balance of the obligation
- c. For obligations other than those in a and b above:
  1. The total balance of those obligations at year end.

(33) Other long term liabilities on Schedule B-29, Other Long-Term Liabilities – Account 4310, listing separately, with a description and year end balance:

- a. Each item with balances equal to or greater than \$10,000 and
- b. The aggregate total of items with balances less than \$10,000.

(34) Other deferred credits on Schedule B-30-A, Other Deferred Credits - Account 4360, listing separately, with a description and year end balance:

- a. Each item with balances equal to or greater than \$10,000; and
- b. The aggregate total of items with balances less than \$10,000.

(35) Net deferred operating income taxes on Schedule B-30B, Net Deferred Operating Income Taxes - Accounts 4100 and 4340, showing:

- a. Property related deferred income taxes broken out by:

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1. Federal income taxes; and
  2. State and local income taxes.
- b. Non property related deferred income taxes broken out by:
1. Federal income taxes; and
  2. State and local income taxes.
  3. Beginning and end of year balances; and
  4. Current year accruals, amortization; and adjustments.
- (36) Net deferred non-operating income taxes on Schedule B-30C, Net Deferred Non-Operating Income Taxes - Accounts 4110 and 4350, showing:
- a. Property related deferred income taxes broken out by:
1. Federal income taxes; and
  2. State and local income taxes.
- b. Non property related deferred income taxes broken out by:
1. Federal income taxes; and
  2. State and local income taxes.
  3. Beginning and end of year balances; and
  4. Current year accruals, amortization; and adjustments.
- (37) Retained earnings on Schedule B-31, Retained Earnings - Account 4550, showing:
- a. Reserved balances, with:
1. Beginning and end of year balances;
- b. Unreserved balances; with:
1. Beginning and end of year balances;
- c. Net income or net loss for the year;
- d. Other increases and decreases;
- e. Dividends paid; and
- f. A total of all retained earnings items.
- (38) Dividends declared on Schedule B-32, Dividends Declared - Account 4560, listed by:
- a. Classes of stock;

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- b. Dates declared;
- c. Dates payable;
- d. Number of shares on which declared;
- e. Dividend per share;
- f. Amounts declared; and
- g. Amounts paid.

(39) Capital stock on Schedule B-33, Capital Stock, Additional Paid-in-Capital and Treasury Stock – Accounts 4510.1, 4510.2, 4520, 4530.1, 4530.2, listing:

- a. Classes of stock;
- b. Descriptions of stocks, indicating:
  - 1. Differences in voting rights;
  - 2. Preferences as to dividends or assets;
  - 3. Pledges; and
  - 4. Any other pertinent details about the stock.
  - 5. Par or stated value;
- c. Book value of stock issued and outstanding;
- d. Additional paid-in capital;
- e. Number of shares of treasury stock; and
- f. Book value of treasury shares.

(40) Operating revenues on Schedule I-34, Operating Revenues, showing by account:

- a. Local network revenues;
- b. Network access services revenues;
- c. Long-distance network services revenues;
- d. Miscellaneous revenues;
- e. Uncollectible revenues; and
- f. Difference in revenue in comparison to preceding year.

(41) Explanations for changes in operating revenues, by account, on Schedule I-34A, Increase or Decrease in Operating Revenues, when:

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- a. The account has a balance over \$500; and
  - b. The percentage change from the prior year is equal to or greater than 10%.
- (42) Operating expenses on Schedule I-35, Operating Expenses, showing current year balances and the change from the prior year, by account, for:
- a. Plant specific operations;
  - b. Plant nonspecific operations;
  - c. Customer operations; and
  - d. Corporate operations.
- (43) Explanations for changes in operating expense, by account, on Schedule I-35A, Increase or Decrease in Operating Expenses, when:
- a. The account has a balance over \$500; and
  - b. The percentage change from the prior year is equal to or greater than 10%.
- (44) Customer and corporate operations expenses on Schedule I-35B, Customer Operation Expense – Accounts 6610 and 6620 and Corporate Operations Expense – Accounts 6710 and 6720, listing by account:
- a. Current year amounts and the change over the prior year;
  - b. A breakdown by customer operations expense for marketing and services;
  - c. Corporate operations expense for:
    - i. Executive and planning; and
    - ii. General and administrative.
- (45) Other operating taxes on Schedule I-36A, Other Operating Taxes – Account 7240, showing tax expense by type and jurisdiction;
- (46) Prepaid taxes and tax accruals on Schedule I-36B, Prepaid Taxes and Tax Accruals – Accounts 1300, 4070, and 4080, listing by tax type and jurisdiction:
- a. Balances for prepaid taxes, income taxes accrued, and other accrued taxes at beginning and end of year;
  - b. Taxes expensed during the year, showing account charged and amount;
  - c. Taxes paid during the year; and
  - d. Adjustments during the year.
- (47) Non-operating taxes on Schedule I-36C, Non-Operating Taxes, with a breakdown for each non-operating tax account for the following jurisdictions:

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- a. Federal;
- b. State;
- c. Local; and
- d. Other.

(48) Extraordinary items on Schedule I-36D, Extraordinary Items - Accounts 7610, 7620, 7630, and 7640, showing:

- a. A net amount for extraordinary items based on the difference between:
  - 1. Extraordinary income credits; and
  - 2. Extraordinary income charges.
- b. Each transaction affecting extraordinary items properly classified as extraordinary income credits or extraordinary income charges, with the following detail:
- c. Description of the transaction;
- d. Gross amount;
- e. The effect on current income taxes;
- f. The effect on deferred income taxes; and
- g. Reference to:
  - 1. Commission approval for extraordinary treatment of the item; and
  - 2. Date of commission approval.

(49) Non-operating income and expense on Schedule I-37, Non-Operating Income and Expense – Account 7300, showing:

- a. Each account comprising the total of non-operating income and expenses, with each account's respective current year amount for:
  - 1. Current year; and
  - 2. Change from the prior year.

(50) Other operating income and expenses on Schedule I-38, Other Operating Income and Expense – Account 7100, showing:

- a. Each account comprising the total of other operating income taxes, with each account's respective amount for:
  - 1. Current year; and
    - i. Change from the prior year.



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(51) Expenses attributable to formal regulatory cases before federal, state, and other regulatory commissions on Schedule I-39, Special Expenses Attributable to Formal Regulatory Cases, including:

- a. A complete description of the regulation, hearing or case;
- b. Special assessments by regulatory commissions;
- c. Fees, retainers, and other billed items; and
- d. Incremental payroll costs and directly associated expenses, exclusive of c above.

(52) Advertising and external relations expenses on Schedule I-40, Advertising, showing by amounts expensed during the year for the following accounts:

1. Product advertising;
2. External advertising; and
3. Special charges; and
4. Other Charges other than those in 1-3 above, with the following for each entry:
  - i. Account number; and
  - ii. Account title.

(53) Payments of \$10,000 or more for services received from affiliates on Schedule I-41, General Services and Licenses, including:

- a. Name of affiliate;
- b. Service provided, and
- c. Amount paid.

(54) Membership fees and dues on Schedule I-42, Membership Fees and Dues, providing:

- a. A breakdown of amounts charged to:
  1. Operating expenses; and
  2. Special charges.
- b. An entry for each type of organization, showing for each entry:
  1. The number of organizations;
  2. The number of memberships; and
  3. The amount paid during the year;

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(55) Donations or payments of \$5,000 or more to persons other than employees on Schedule I-43, Donations or Payments for Services Rendered by Persons Other Than Employees, including:

- a. Name of recipient;
- b. Nature of service; and
- c. Amount of payment;

(56) Statistics for the count of switches and number access lines on Schedule S-1, Switches and Access Lines in Service, providing data for the following:

- a. Switches, showing:
  1. The following switch classifications:
    - i. Central office switch; and
    - ii. Primary switch;
  2. For each classification in 1, the number of switches at year end classified as:
    - i. Electronic;
    - ii. Digital; or
    - iii. Main access lines, further broken down as:
      - (i) Analog; or
      - (ii) Digital;
  3. The exchange served by each central office switch.
- b. Access lines, showing:
  1. The following customer type categories:
    - i. Residential;
    - ii. Business; and
    - iii. Other.
  2. For each customer type in 1 above, the number of lines at year end for the following line types:
    - i. Analog; and
    - ii. Digital.

(57) Statistics on outside plant related to distribution and feeder on Schedule S-2, Outside Plant Statistics – Distribution/Feeder, showing year end amounts for:

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- a. Miles of aerial wire;
- b. Miles of cable, broken down by:
  - 1. The following cable classifications:
    - i. Aerial;
    - ii. Underground;
    - iii. Buried;
    - iv. Submarine; and
    - v. Distribution or feeder.
  - 2. For each classification in b.1.i-iv. above, a further breakdown into the following cable types:
    - i. Copper; and
    - ii. Fiber.
  - 3. For distribution or feeder cable in b.1.v. above, a further breakdown into the following cable types:
    - i. Copper;
    - ii. Fiber lit sheath; and
    - iii. Fiber deployed sheath.
- c. Number of poles; and
- d. Miles of underground conduit, showing:
  - 1. Trench miles; and
  - 2. Duct miles.

(58) Statistics for outside plant related to for interoffice on Schedule S-3, Outside Plant Statistics – Interoffice, showing year end amounts for:

- a. Miles of aerial wire;
- b. Miles of cable, broken down by:
  - 1. The following cable classifications:
    - i. Aerial;
    - ii. Underground;
    - iii. Buried;

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- iv. Submarine; and
      - v. Distribution or feeder.
    - 2. For each classification in b.1.(i)-(iv) above, a further breakdown into the following cable types:
      - i. Copper; and
      - ii. Fiber.
    - 3. For distribution or feeder cable in b.1.(v) above, a further breakdown into the following cable types:
      - i. Copper
      - ii. Fiber lit sheath; and
      - iii. Fiber deployed sheath.
  - c. Number of poles; and
  - d. Miles of underground conduit, showing:
    - 1. Trench miles; and
    - 2. Duct miles.
- (59) Pension cost data on Schedule S-4, Pension Cost, showing:
- a. Current year and prior year amounts for:
    - 1. Accumulated benefit obligation;
    - 2. Projected benefit obligation;
    - 3. Fair value of plan assets;
    - 4. Expected long-term return on assets;
    - 5. Net periodic pension costs, which requires showing:
      - i. A description of the cost; and
      - ii. The amount of the cost.
    - 6. Minimum required contribution;
    - 7. Actual contribution;
    - 8. Maximum amount deductible; and
  - b. Benefits payable.

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- (60) Certification of the information in Form ILEC-3 Annual Report, that contains:
- a. A notary seal that has been made:
    1. Under oath;
      - i. By the company's president or chief officer; and
      - ii. By the company's treasurer or other officer in charge of accounts.
  - b. Includes attestations, by each person, referred to in a.1.(i) and (ii) above, that the information contained in Form ILEC-3 Annual Report:
    1. Has been prepared under my direction;
    2. The information has been carefully examined and reviewed by me;
    3. Is accurate to the best of my knowledge; and
    4. Provides an accurate statement of the position of the company.
  - c. Signatures of each individual, referred to in a.1 (i) and (ii) above.
  - d. Printed names and titles of the individuals in (c) above.

### Puc 429.05 Form ILEC-4 Quality of Service Report.

- (a) The "Quality of Service Report," required by Puc 411.08, shall include:
- (1) The average number of days between date of request for service and installation of service;
  - (2) The percentage of installation appointments which the carrier failed to keep;
  - (3) The average answer time to connect caller to repair service operator;
  - (4) The percentage of calls to a repair number that are abandoned;
  - (5) The percentage of service outages lasting longer than 24 hours;
  - (6) The average length of repair time, which means the time elapsing from the time trouble is reported until the time trouble is cleared; and
  - (7) The percentage of repair appointments which the reporting carrier failed to keep.
  - (8) The average number of customer trouble reports per 100 access lines of the CLEC for the year.
- (b) An ILEC may file in addition to the information listed in (a) above, information as to the average number of days between the customer-requested date for installation of service and the actual date of installation.
- (c) The "Quality of Service Report" shall be:

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- (1) Signed and dated by an authorized representative, along with:
  - a. Printed name and title of the signatory.

### Puc 429.06 Form ILEC-5 Quality of Service Report Card.

- (a) The “Quality of Service Report Card,” required by Puc 411.08, shall include:
  - (1) General information, listing the company’s:
    - a. Legal company name;
    - b. The business name the company uses with its customers;
    - c. Complete mailing address; and
    - d. Internet address, if the ILEC maintains a website.
  - (2) A general description of the ILEC’s business;
  - (3) Responsiveness score;
  - (4) Accessibility score; and
  - (5) Reliability score.
- (b) The “Quality of Service Report Card” shall be:
  - (1) Signed and dated by an authorized representative, along with:
    - a. Printed name and title of the signatory.

### Puc 429.07 Form ILEC-6 Jurisdictional Separations Report.

- (a) The “Jurisdictional Separations Report,” required by Puc 415.01, shall include:
  - (1) Schedule SR-1 Reconciliation of Trial Balance/Cost Study to Separated Results of New Hampshire Operations, including reconciliations of:
    - a. Revenues;
    - b. Expenses;
    - c. Plant balances;
    - d. Interstate switched access revenues;
    - e. Intrastate switched access revenues;
    - f. Operating expenses;
    - g. Operating taxes; and

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- h. Fixed charges.
- (2) Schedule SR-2 Separated Results of New Hampshire Operations, which shall include:
  - a. Summarized income statement;
  - b. Summarized Average rate base;
  - c. Plant in service detail;
  - d. Accumulated depreciation detail;
  - e. Operating expense detail;
  - f. Operating tax detail;
  - g. Each item in a. through f. above shall include:
    - 1.Account number;
    - 2.Description;
    - 3.Note;
    - 4.Line Number;
    - 5.Total NH Operations; broken out into:
      - i. Interstate Operations; including:
        - (i) Messages (MSG) switched access;
        - (ii) Total private line services and special access; and
        - (iii) A total of (i)-(ii) above.
      - ii. Intrastate Operations; including:
        - (i) Messages;
        - (ii) Private lines;
        - (iii) Extended area services;
        - (iv) Local residential, business, and other lines; and
        - (v) A total of (i)-(iv) above.
- (3) Schedule SR-3, Separations Parameters; shall provide a calculation of ratios for:
  - a. Exchange plant;

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- b. Interexchange plant; and
  - c. Other parameters.
  - d. Each item in a-c above shall include:
    - 1. Description;
    - 2. Note number;
    - 3. Line number; and
    - 4. Total NH Operations; showing:
  - e. Items in a. through c. above shall be broken out by:
    - 1. Interstate toll;
    - 2. Intrastate operations, displaying:
      - i. Toll;
      - ii. Extended area services.
    - 3. Local or other.
- (4) Schedule SR-4, Notes to Separation Results of NH Operations, including:
- a. Note number(s); and
  - b. Comments.
- (5) Schedule SR-5 NH Intrastate Cash Working Capital Computation, showing the calculation of cash working capital, including intrastate amounts for:
- a. Total operating expense;
  - b. Depreciation expense;
  - c. Amortization expense; and
  - d. Operating other taxes.
- (6) Schedule SR-6 Federal Income Tax and State Income Tax Calculation, providing a break out of taxes for total NH operations to:
- a. Interstate, including:
    - 1. Messages switched access;
    - 2. Total private line services and special access; and



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- 3.A total of 1. and 2. above.
- b. Intrastate Operations; including:
  - 1.Messages;
  - 2.Private lines;
  - 3.Extended area services;
  - 4.Local residential, business, and other lines; and
  - 5.A total of 1 through 4 above.
- (7) Supporting work papers for cost study and separation results of NH operations to include:
  - a. Revenue requirement summary;
  - b. Summary of net telephone plant, material and supplies and cash working capital;
  - c. Other telecommunications plant;
  - d. Central office equipment separations;
  - e. Information origination/termination and cable and wire facility separations;
  - f. Other telephone plant and deferred charges;
  - g. Accumulated depreciation and amortization separations;
  - h. Summary of operating expense and tax;
  - i. Plant specific operating expense separations;
  - j. Plant nonspecific operating expense separations;
  - k. Development of allocation ratios; and
  - l. Allocation factors.
- (b) The “Jurisdictional Separations Report” shall be:
  - (1) Signed and dated by an authorized representative, along with:
    - a. Printed name and title of the signatory.

### Puc 429.08 Form ILEC-21 Report of Customer Troubles.

- (a) The “Report of Customer Troubles,” as required by Puc 415.03, shall include totals for:
  - (1) Troubles reported for which the utility was responsible;

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- (2) Troubles referred to another carrier for corrective action such as to an interexchange carrier;
  - (3) Trouble reports made to the utility during the month;
  - (4) Number of access lines during the month; and
  - (5) The number of calculated customer trouble reports per 100 access lines of the utility.
- (b) The “Report of Customer Troubles” shall be:
- (1) Signed and dated by an authorized representative, along with:
    - a. Printed name and title of the signatory.

### Puc 429.09 Form ILEC-22 Monthly Financial Report.

- (a) The “Monthly Financial Report,” required by Puc 415.03, shall include:
- (1) A summary of substantial changes and events impacting financial operation, on Schedule MR-1, Important Changes During the Quarter;
  - (2) A summary of earnings, investment and return, on Schedule MR-2, Rolling 12 Months Intrastate Basis; with 12 months year to date amounts for:
    - a. Earnings;
    - b. Interest charged to construction;
    - c. Adjusted earnings;
    - d. Averages for the most recent 12 months ended for:
      - 1. Investment;
      - 2. Account 2003 Telecommunications Plant Under Construction-Short Term balance and Account 2004 Telecommunications Plant Under Construction-Long Term balance;
      - 3. Account 2002 Property Held for Future Telecommunications Use balance;
      - 4. Account 4340 Net Non-current Deferred Operating Income Deferred Operating Income Taxes balance and Account 4350 Net Non-current Deferred Non-operating Income Taxes balance; and
    - e. Calculated amounts for:
      - 1. Investment;
      - 2. Return on investment; and
    - f. Authorized return on investment;

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- (3) Schedule MR-3, Earnings Statement, showing current month amounts for combined operations and intrastate operations;
- (4) Schedule MR-4, Year to Date Earnings Statement, showing year-to-date amounts for combined operations and intrastate operations;
- (5) Schedule MR-5, Earnings Statement, showing amounts for 12 months ending for combined operations and intrastate operations;
- (6) Schedule MR-6, Summary of Investment showing:
  - a. Average amounts for investments in on combined operations and intrastate operations;
  - b. Average twelve months ended investment on combined operations and intrastate operations;
- (7) Schedule MR-7, Capital Structure, listing amounts, percentages, cost rates, and weighted cost rates for:
  - a. Long term debt;
  - b. Preferred stock; and
  - c. Common equity;
- (8) Schedule MR-8, Embedded Cost of Long-Term Debt listing:
  - a. Series;
  - b. Rate;
  - c. Issue date;
  - d. Maturity date;
  - e. Type;
  - f. Long-term maturities;
  - g. Current maturities;
  - h. Premium or discount;
  - i. Unamortized issuance expense;
  - j. Net proceeds;
  - k. Yield to maturity cost rate; and
  - l. Annual effective cost;
- (9) Schedule MR-9, Detail of Accounts, listing marketing and customer services and other

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expense of operations for:

- a. Current month combined and intrastate amounts;
- b. Twelve months ended combined and intrastate amounts;
- c. Current month intrastate to combined percentage; and
- d. Twelve months ended intrastate to combined percentage;

(10) Schedule MR-10, Balance Sheet, listing:

- a. Plant accounts;
- b. Capital leases and leasehold improvements;
- c. Intangibles;
- d. Accumulated depreciation and amortization; and
- e. Each item in a through d above shall include:
  - 1. Current month balance;
  - 2. Change over prior month;
  - 3. Change since December 31<sup>st</sup> of the prior year; and
  - 4. Percentage increase over December 31<sup>st</sup> of the prior year;

(11) Schedule MR-11, Revenue Trial Balance by Inter/Intra/Nonreg; showing by account:

- a. Current month revenue for:
  - 1. Interstate;
  - 2. Intrastate;
  - 3. Non regulated; and
  - 4. Total;
- b. Year-to-date amounts for:
  - 1. Interstate;
  - 2. Intrastate;
  - 3. Non regulated; and
  - 4. Total; and

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(12) Schedule MR-12, Income Statement, showing by account, amounts for:

- a. Current month;
- b. Increase over last month;
- c. Year-to-date; and
- d. Changes and percentages for:
  - 1. Current month from prior month; and
  - 2. Current year-to-date from prior year-to-date.

### Puc 429.10 Form ILEC-23 Quarterly Financial Report.

(a) The “Quarterly Financial Report,” required by Puc 415.02, shall include:

(1) Schedule QR-1, Balance Sheet, listing for each asset, liability, and equity account, the amounts for:

- a. Current quarter;
- b. Prior year equivalent quarter; and
- c. December 31 of prior year account balance.

(2) Schedule QR-2, Income Statement, summarizing for each operating revenue and expense account, the amounts for:

- a. Current quarter;
- b. Prior year quarter;
- c. Difference between current quarter over prior year quarter;
- d. Percentage change between current quarter over quarter of prior year;
- e. Current year-to-date balance;
- f. Prior year-to-date balance;
- g. Difference between current year to date over prior year-to-date; and
- h. Percentage change between current year-to-date over prior year-to-date.

(3) Schedule QR-3 Statement of Retained Earnings, reconciling the change in retained earnings balance from the beginning of the quarter to the end of the quarter, and providing for each:

- a. Description of account activity;
- b. Beginning and ending balances; and

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c. Increases and decreases during the quarter.

### Puc 429.11 Form ILEC-30 Utility Accident Report.

(a) The "Utility Accident Report," required by Puc 411.09 (d), shall include:

- (1) A designation as to whether the report is a 10 day report or a quarterly report;
- (2) The report number and date of the report;
- (3) The name of the reporting utility;
- (4) The date of the accident;
- (5) The location of the accident;
- (6) An indication of whether the accident resulted in loss of service for an entire telephone exchange for 15 minutes or longer;
- (7) A description of the cause of the accident;
- (8) A description of the extent of any property damage;
- (9) The name of any injured person(s);
- (10) The injured person's relationship to the utility, if any;
- (11) A description of the nature of injuries;
- (12) An indication of whether the accident involved electric contact;
- (13) An indication of whether any injury was fatal;
- (14) The date of death of any person, if applicable;
- (15) A previous report number, if applicable;
- (16) An indication of whether any pole and/or any anchor(s) supporting any pole involved in the accident was licensed and properly located;
  - a. If the location of any pole and/or anchor(s) supporting any pole involved in the accident are other than as licensed, diagrams of the locations of the pole and/or anchor(s) as they are licensed and as they are actually located;
- (17) A diagram of the accident;
- (18) A police report of the accident, if available;
- (19) A doctor's report on any injured person, if available; and
- (20) Signed and dated by an authorized representative, along with:

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- a. Printed name and title of the signatory.

Puc 429.12 Form ILEC-31 Petition for Authority to Issue Securities.

- (a) The “Petition for Authority to Issue Securities,” required by Puc 415.04, shall include:

- (1) A caption;
- (2) Description of authorized and outstanding long term debt and capital stock;
- (3) Amount of short term notes outstanding;
- (4) Description of new securities;
- (5) Description of what proceeds will be used for;
- (6) List of exhibits attached, as described in (11) below;
- (7) Certification statement as contained in (b) below; and
- (8) Petitioner's prayer asking for the relief requested;
- (9) Application for leave to issue securities pursuant to RSA 369:3 including a statement in reasonable detail of any proposed additions, construction or working capital requirements together with any proposed construction budget;
- (10) Testimony by a qualified person that:
  - a. Explains the purpose of the financing;
  - b. Shows the affect of the financing on the company’s financial rating(s);
  - c. Provides the proposed method of issuance and sale of the securities;
  - d. Indicates how the financing will be consistent with the public good, pursuant to RSA 369:1.
- (11) The following exhibits:
  - a. Exhibit 1, “Authorized and Outstanding Long-Term Debt,” detailing each of the company’s long-term debts in tabular format, with the following for each:
    1. The type of debt;
    2. If applicable, the coupon rate;
    3. Issue and maturity dates;
    4. Amount outstanding; and
    5. If applicable, call prices on the start date and end date of the issue period of the proposed financing.

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- b. Exhibit 2, “Authorized and Outstanding Capital Stock,” providing a description of each type of outstanding stock;
- c. Exhibit 3, “Capital Expenditures,” listing for the entire company and for New Hampshire:
  - 1. A breakdown of capital expenditures made during the most recent calendar; and
  - 2. An estimate of capital expenditures for the current calendar year.
- d. Exhibit 4, “Estimated Cost of Financing,” listing each cost associated with issuing the securities;
- e. Exhibit 5, “Proforma Balance Sheet,” providing a balance sheet for the most recent calendar year, adjusted for the affects of the proposed financing, with columns showing:
  - 1. Balance sheet amounts for the most recent year;
  - 2. Proforma adjustments resulting from the proposed financing; and
  - 3. Totals of the balance sheet amounts and the proforma adjustments in 2 above.
- f. Exhibit 6, “Proforma Income Statement,” providing an income statement for the most recent calendar year, adjusted for the affects of the proposed financing, with columns showing:
  - 1. Income statement amounts for the most recent year;
  - 2. Proforma adjustments resulting from the proposed financing; and
  - 3. Totals of the income statement amounts and the proforma adjustments in e.2 above.
- g. Exhibit 7, “Proforma Adjustments to Balance Sheet and Income Statement,” listing proforma adjustments to the balance sheets and income statements of each calendar year that the proposed securities could be issued;
- h. Exhibit 8, “Source and Application of Funds and Capitalization” which shows for the most recent calendar year:
  - 1. Cash flows from operations, investing activities, and financing activities, adjusted for the affects of the proposed financing; and
  - 2. A schedule of the company’s capital structure that includes the affects of the proposed financing.
- i. Exhibit 10, “Terms and Conditions of Proposed Securities,” which lists the terms and conditions of each proposed security;
- j. If applicable, Exhibit 11, “Purchase and Sale Agreement and Commitment Letter,” which shall contain copies of:
  - 1. Purchase and sale agreement(s) associated with the financing; and



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2. Letter(s) of commitment from lender(s) that the company is approved for the financing;

k. If applicable, Exhibit 12, "Proposed Promissory Note and/or Mortgage" which provides a copy of any promissory note and/or mortgage agreement associated with the financing.

(b) An ILEC shall provide in connection with a petition for authority to issue securities a certification which shall provide as follows:

"The petitioner utility company believes and, therefore, alleges that the securities to be issued will be consistent with the public good and that it is entitled to issue said securities under RSA 369 for the purposes set forth in its petition."

### Puc 429.13 Form ILEC-32 Report of Proposed Fixed Capital Expenditures.

(a) The "Report of Proposed Fixed Capital Expenditures," required by Puc 415.04 shall include:

- (1) Company Name;
- (2) For year of date;
- (3) Report number, sheet number and date;
- (4) Item number;
- (5) The location of the proposed expenditure;
- (6) A description of the proposed addition, extension or capital improvement;
- (7) The estimated start and finish dates of construction; and
- (8) The estimated cost of each element of the proposed addition.

(b) The "Report of Proposed Fixed Capital Expenditures" shall be:

- (1) Signed and dated by an authorized representative, along with:
  - a. Printed name and title of the signatory.

### Puc 429.14 Form ILEC-33 Report of Proposed Changes in Depreciation Rates.

(a) The "Report of Proposed Changes in Depreciation Rates," required by Puc 415.04, shall include:

- (1) Company name;
- (2) Date;
- (3) Account number and title;
- (4) Estimated life, both present and proposed, in years;

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- (5) Net salvage, both present and proposed, in percentages;
  - (6) Depreciation rate, both present and proposed, by percentage;
  - (7) Net annual change in dollars; and
  - (8) Justification and supportive documentation.
- (b) The “Report of Proposed Changes in Depreciation Rates” shall be:
- (1) Signed and dated by an authorized representative, along with:
    - a. Printed name and title of the signatory.

### Puc 429.15 Form ILEC-38 Service Outage Report.

- (a) The “Service Outage Report,” required by Puc 411.08, shall include:
- (1) The report number and date;
  - (2) The name of the reporting utility;
  - (3) The date and time of the outage;
  - (4) The location of the outage;
  - (5) Whether an entire exchange was affected;
  - (6) The number of affected access lines;
  - (7) The cause of the outage;
  - (8) The date and time service was restored;
  - (9) The name of the person contacted at the commission; and
  - (10) The date and time the commission was contacted.
- (b) The “Service Outage Report,” shall be:
- (1) Signed and dated by an authorized representative, along with:
    - a. Printed name and title of the signatory.

## PART Puc 430 RULES FOR COMPETITIVE LOCAL EXCHANGE CARRIERS (CLECS)

### Puc 430.01 Purpose.

- (a) The purpose of the rules in this part is to establish standard procedures, general business rules, and guidelines for CLECs in order to enable CLECs to comply with relevant statutes and commission orders.

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### Puc 430.02 Application of Rules.

- (a) The provisions of Puc 430 through Puc 449 shall apply to all CLECs.
- (b) In addition to (a) above, the following commission rules shall apply to all CLECs:
  - (1) Puc 102, relative to definition of terms;
  - (2) Puc 200, procedural rules;
  - (3) Puc 402, relative to definitions of terms;
  - (4) Puc 800, underground utility damage protection program; and
  - (5) Puc 1200, uniform administration of utility customer relations.
- (c) Any company which is not an ILEC who provides for a fee the ability to utilize numbering resources from an end user's premise, either as a local exchange provider, or as a conveyor of voice messages without coordination with the end user's local exchange carrier, shall register as a CLEC.
  - (1) Pursuant to RSA 362:6, (c) above shall not apply to cellular mobile radio communications services (CMRS).

### Puc 430.03 Definitions.

- (a) "Advance billing" means billing an end user such that the payment for a service would be due before the service is provided. Advance billing does not apply to pre-payment of installation charges.
- (b) "Facilities-based CLEC" means a CLEC which owns, controls, operates, or manages conduits, ducts, poles, wires, cables, instruments, switches, appurtenances, or appliances in connection with or to facilitate telecommunications.
- (c) "Non-facilities-based CLECs" means CLECs that do not own, control, operate or manage conduits, ducts, poles, wires, cables, instruments, switches, appurtenances, or appliances in connection with or to facilitate telecommunications.

## PART Puc 431 CLEC REGULATORY REQUIREMENTS

### Puc 431.01 Registration.

- (a) No person or entity shall install or offer local exchange service in New Hampshire unless and until that person or entity is registered as a CLEC.
- (b) Before commencing operations as a CLEC in New Hampshire the entity proposing to provide CLEC service shall register with the commission and receive its CLEC Authorization Number.
- (c) To register with the commission a CLEC shall file:
  - (1) Form CLEC-10 Application for Registration, which shall include Form CLEC-1 Contact Information as an attachment;
  - (2) Form CLEC-25 Rate Schedule, as described in Puc 449.10; and

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- (3) Form CLEC-11 Adoption of Model Tariff, if the CLEC wishes to adopt the model tariff pursuant to Puc 431.03.

### Puc 431.02 Rate Schedule.

- (a) A CLEC shall file rate schedule(s) with the Commission, using Form CLEC-25 Rate Schedule.
- (b) Any rate schedule filed pursuant to this part shall not include any terms or conditions or limitations of liability.
- (c) A CLEC shall file amended rate schedules for additions, changes or deletions to its services, and for price changes pursuant to Puc 431.12, no later than thirty days prior to the effective date of the rate change or offering of the new service.
- (1) Promotions shall be filed no later than one day prior to their effective date. A promotion shall:
- a. Contain the date the promotion ends;
  - b. Expire within one year of its effective date; and
  - c. Not be extended to last more than one calendar year.
- (d) As to any rate schedule filed with the commission by a CLEC:
- (1) The commission shall maintain the CLEC's rate schedule(s) on file for informational purposes only;
- (2) The filing of a rate schedule shall not create a presumption that the commission has either reviewed or approved the rates;
- (3) The commission shall presume the rates are just and reasonable unless and until a complaint is raised by a member of the public, at which time the rate schedule(s) shall be subject to review; and
- (4) The CLEC shall not include any provisions in its rate schedule(s) which are inconsistent with applicable statutes, rules or orders.
- (e) A CLEC shall file a complete rate schedule biennially, in each even-numbered year.
- (1) Biennial rate sheet filings may be in electronic format.
- (f) A CLEC with rate schedules and/or tariffs on file with the commission on the effective date of these rules shall have until March 31, 2006 to bring existing rate schedules and/or tariffs into compliance with this section.

### Puc 431.03 Model Tariff.

- (a) A CLEC may, in addition to the rate schedule(s) required by Puc 431.02, adopt the model tariff by submitting Form CLEC-11 Adoption of Model Tariff.

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(b) A CLEC which elects to adopt the model tariff shall not file the actual text of the model tariff with the commission but shall simply adopt its terms.

(c) A CLEC which adopts the model tariff shall not alter or rearrange the content of the model tariff in any way.

### Puc 431.04 Surety Bond.

(a) A CLEC shall have on file with the commission proof of a surety bond:

(b) The surety bond amount shall be the greater of:

(1) \$10,000; or

(2) 10% of the CLEC's gross New Hampshire revenues.

(c) The surety bond shall be updated annually concurrent with the CLEC's annual report.

(d) The surety bond must be from a surety company authorized to conduct business in New Hampshire.

(e) A CLEC already registered on the effective date of these rules shall be required to comply with this section as of March 31, 2006.

### Puc 431.05 The CLEC Authorization.

(a) Once a CLEC has registered with the commission, the commission shall, except as provided in Puc 431.19, issue a CLEC authorization number, which authorizes the applicant to provide competitive local exchange service.

(b) Any authorization obtained by a CLEC under this part is non-transferable.

### Puc 431.06 Good Faith Negotiations.

(a) In establishing terms and conditions for Puc 436, 437 and 438, a CLEC shall negotiate in good faith.

### Puc 431.07 Annual Report.

(a) A CLEC shall file Form CLEC-3 Annual Report each year, regardless of whether it has initiated operations or has any operating revenues in New Hampshire.

(b) A CLEC which is also a CTP shall file one combined annual report covering the operation of both entities.

### Puc 431.08 Assessment.

(a) A CLEC shall be assessed, pursuant to RSA 363-A:2, and shall remit such assessment to the commission, pursuant to RSA 363-A:4.

(b) A CLEC shall file Form CLEC-2 Assessment Report annually.

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### Puc 431.09 Contact Information.

(a) A CLEC shall file Form CLEC-1 Contact Information, both annually, and within ten days of any change of the information on the "Contact Information" form.

### Puc 431.10 Conditions of Operation.

(a) A CLEC shall file Form CLEC-12 Initiation of Operations, described in 449.09, when the CLEC first acquires and provides service to an end user in New Hampshire.

(b) A CLEC is authorized to operate so long as the CLEC:

- (1) Maintains its surety bond pursuant to Puc 431.04;
- (2) Files all required reports, including its annual report and rate schedule(s); and
- (3) Complies with all applicable statutes and rules, and any conditions established by order of the commission.

### Puc 431.11 Method of Rate Regulation.

(a) Traditional methods of rate regulation, which are based upon cost of service, rate base, and rate of return, shall not apply to CLECS.

### Puc 431.12 Changes in Prices and Services.

(a) A CLEC shall, pursuant to RSA 378:3, notify the commission of any proposed change in prices and/or services offered by filing an amended Form CLEC-25 Rate Schedule, pursuant to Puc 431.02, above, at least 30 days in advance of the proposed effective date of any of the following:

- (1) Introduction of a new service offering;
- (2) Deletion of an existing service offering; or
- (3) Price increase; or
- (4) Any change to the name, description, or other aspect of an existing service.

(b) Price changes that constitute a price decrease shall be effective no sooner than one day after the CLEC notifies the commission of the decrease.

### Puc 431.13 Requirement to Exercise Authorization.

(a) A CLEC shall exercise its CLEC authorization by providing telecommunications service to at least one retail customer no later than 2 years from the date of issuance, or forfeit its CLEC authorization.

### Puc 431.14 Quality of Service Information Required.

(a) A CLEC shall file Form CLEC 4 Quality of Service Report, described in Puc 429.05, annually.

(b) A CLEC shall file Form CLEC-5 Quality of Service Report Card, described in Puc 429.06, annually.

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- (1) The "Quality of Service Report Card" will be made available for public information.

### Puc 431.15 Service Outages.

(a) A CLEC shall report significant service outages, pursuant to Puc 402.35, by calling the commission within the following time frames:

- (1) For outages which occur between 7:00 a.m. and 4:30 p.m. during normal business hours, Monday through Friday, within 60 minutes of occurrence; and
- (2) For outages which occur during non-business hours, by 9:00 a.m. on the business day following the outage.

(b) A CLEC shall report significant service outages in writing to the commission on Form CLEC-38 Service Outages Report, described in Puc 449.16, which shall be filed within ten days of the outage.

### Puc 431.16 Accident Notifications.

(a) A CLEC shall notify the commission of accidents in connection with its facilities, property or service.

(b) In the event of a significant accident pursuant to Puc 402.34, the CLEC shall notify the commission by telephone as follows:

- (1) During regular commission hours:

- a. Contact the telecommunications division commission representative listed on the accident notification roster, pursuant to Puc 402.01, at the commission telephone number provided.

1. If the telecommunications division commission representative is unavailable, the CLEC shall work sequentially through the accident notification roster until it speaks directly with one of the commission representatives listed therein.

- (2) Outside of regular commission hours:

- a. Call the commission general telephone listing provided in the accident notification roster and leave a voice mail message:

1. Identifying the CLEC and the name and return telephone number of the individual attempting to report; and
  2. Stating that an accident requiring notification has occurred and will be reported when the commission next opens; and

- b. Attempt to contact a commission representative listed on the accident notification roster, pursuant to Puc 402.01, at the after-hours telephone number provided, starting with the telecommunications division commission representative, and working sequentially through the list until the CLEC speaks directly with one of the commission representatives listed therein.

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c. If the CLEC is unable to speak to a commission representative outside of regular commission hours, the CLEC shall, as soon as possible on the next business day, contact the commission as outlined in a. above.

(3) The CLEC shall provide the commission with the following information:

- a. The name of the CLEC;
- b. The name of the person making the report and the telephone number at which they can be reached;
- c. A brief description of the accident or event and location;
- d. The time at which:
  1. The accident or event occurred; and
  2. The CLEC was first notified of the accident or event; and
- e. A description of any fatalities, personal injuries and damages; and
- f. Any other information relevant to the cause of the accident and the extent of the damages.

(4) Notification of a significant accident is not complete until a CLEC's representative:

- a. Speaks to a commission representative listed on the accident notification roster; and
- b. Communicates to the commission representative the information required by (3) above.

(c) For all other reportable accidents, pursuant to Puc 402.32, a CLEC shall notify the commission by telephone during regular business hours as outlined in a above:

- (1) On the day of the accident or event, if possible; or
- (2) On the next business day.

(d) In addition to notifying the commission, a CLEC shall file Form CLEC-30 Utility Accident Report for each reportable accident within 10 business days of the accident; and

- (1) A detailed written report, referencing the original Form CLEC-30 Utility Accident Report, containing any applicable supportive documentation not provided in the original report, within 60 days of notification of the accident or event.

### Puc 431.17 Loss of Authorization.

(a) A CLEC failing to file an annual report for two successive years shall forfeit its authority at the end of the third calendar year.

(b) A CLEC filing an annual report which indicates no activity in New Hampshire for two successive years shall forfeit its authority at the end of the third calendar year.



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(c) A CLEC losing its authorization under this section shall discontinue operations pursuant to Puc 431.21.

### Puc 431.18 Violation of Rules.

(a) If, after notice, an opportunity to be heard, and issuance of specific findings of fact supporting its determination, the commission determines that good cause exists, it shall issue an order as to a CLEC:

- (1) Revoking, suspending, modifying or imposing conditions upon its CLEC authorization;
- (2) Imposing fines or penalties, pursuant to RSA 365:41, RSA 374:28-a, II and/or RSA 378:46;
- (3) Requiring reparation to a subscriber or affected party pursuant to RSA 365:29; or
- (4) Providing for such other penalty as permitted by statute, consistent with (1) through (3) above.

(b) Good cause, pursuant to (a) above, shall include but not be limited to the following actions by a CLEC:

- (1) Consistent or flagrant violation of applicable statutes, commission rules or commission orders;
- (2) Slamming, in violation of RSA 374:28-a;
- (3) Cramming, in violation of RSA 378:46-7; or
- (4) Conducting business in an unfair or deceptive manner; or
- (5) Any other factor(s) which leads the commission to conclude that the applicant has demonstrated it does not meet the minimum standards to operate as a provider.

(c) Upon a finding as provided in (b) above, the commission shall issue an order providing for one or more of the consequences set forth in (a) above.

- (1) The commission shall determine which consequences set forth in (a) above are most applicable after considering:
  - a. The nature of the infraction;
  - b. The severity of the infraction; and
  - c. Monetary or other damages to an end user, a utility or a member of the public resulting from the infraction.

### Puc 431.19 Denial of Registration.

(a) The commission shall deny an application for registration if it determines that:

- (1) The applicant and/or its general partners, corporate officers, director of the company, limited liability company managers or officers have:

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- a. Committed an act that would constitute good cause to find a violation of authorization pursuant to Puc 431.10;
- b. Within the 10 years immediately prior to registration:
  - 1. Had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation; or
  - 2. Settled any civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;
  - 3. Is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;
- c. Knowingly made a material false statement of fact in the application; or
- d. Demonstrated on its application such flagrant and/or repeated violations of the requirements to operate as a utility and/or a CTP in other state(s) that the commission determines that it is not in the public good to allow registration; and

(2) The crime or act referred to in (a) (1) above is substantially related to the qualifications, functions or duties required to provide CTP services.

(b) In the event that the commission denies an application for registration, the applicant may, within 30 days, file a request for reconsideration.

### Puc 431.20 Withdrawal of Application/Authorization.

(a) A CLEC may withdraw its application and authorization prior to serving customers in New Hampshire so long as the CLEC has no outstanding obligations to any New Hampshire end user.

(b) A CLEC wishing to withdraw shall file Form CLEC-35 Withdrawal of Application/Authorization.

### Puc 431.21 Discontinuance of Operations.

(a) A CLEC who has commenced operations in New Hampshire shall, at least ten days prior to the migration period required by (b) below:

- (1) Notify the commission of its intent to cease operations by filing:
  - a. Form CLEC-34 Discontinuance of Operations; and
  - b. A copy of its notice to customers as required by (2), below;
- (2) Notify its customers, pursuant to Puc 432.04, of cessation of operations, such notification to include:
  - a. Notice that the CLEC shall discontinue providing its services to the customer;
  - b. Instructions for migration to an alternative carrier; and

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c. The time period, which shall not be less than the migration period set out in (b) below, within which the customer shall make a selection of a new local exchange carrier; and

(3) Refund to its customers any applicable amounts owed.

(b) A CLEC may only cease operations following a customer migration period, which shall be at least:

(1) 30 days for providers of resale services; or

(2) 30 days for any carrier with fewer than 500 customers; or

(3) 45 days for UNE-P providers with more than 500 customers; or

(4) 60 days for all other carriers.

(c) The commission shall approve a CLEC's request to cease operations upon finding that a CLEC has made adequate provisions for discontinuance of operations, pursuant (a) and (b) above.

(d) If the commission determines that a CLEC has not made adequate provisions for discontinuance of operations or for a successor provider, the commission shall order notice to affected customers clarifying the customer's rights and obligations.

(e) No later than ten days after ceasing operations, a CLEC shall provide to the commission:

(1) A sworn statement that the CLEC has ceased providing service to all its New Hampshire customers; and

(2) Evidence that all the CLEC's customers have been sent refunds of any and all deposits or prepayments that may be owed them.

(f) The commission shall relieve the CLEC of its surety bond requirement upon the timely completion of the requirements of this section.

### PART Puc 432 CLEC CUSTOMER RELATIONS

#### Puc 432.01 Provision of Basic Service.

(a) Minimum Requirements of Basic Service.

(1) A CLEC shall, directly or indirectly, make available to its customers all of the following as part of basic service:

a. Safe and reliable voice service;

b. The ability to receive all non-collect calls without additional charge;

c. The ability to complete calls within the state to any other telephone line capable of receiving calls;

d. The opportunity to presubscribe to interLATA toll carriers;

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- e. The opportunity to presubscribe to intraLATA toll carriers;
- f. Dialing parity;
- g. Enhanced 911, pursuant to the requirements of the bureau of emergency communications or its successor agency;
- h. Statewide directory assistance;
- i. Telecommunications Relay Service (TRS), pursuant to Puc 432.02 below;
- j. A White Pages directory listing;
- k. A non-electronic telephone directory;
- l. The option, on a per-call basis, to block caller identification;
- m. A caller identification line blocking option that:
  - 1. Is available to all customers without a recurring charge;
  - 2. Is provided upon customer request without charge to customers who have elected non-published telephone numbers;
  - 3. Is available without a non-recurring charge to customers who certify that Caller ID threatens their health or safety; and
  - 4. Is available without a non-recurring charge when requested with installation of basic service;
- n. A blocking option for pay-per-call calls, such as blocking all 900 or all 976 calls;
- o. The ability to report service problems to the customer's basic service provider on a 24 hour basis, 7 days a week;
- p. Automatic Number Identification (ANI) to other carriers; and
- q. Operator services pursuant to the Telecommunications Act of 1996.

### (b) Terms of Providing Basic Service.

- (1) A CLEC shall make its services available on a nondiscriminatory basis to all similarly situated customers within their operating area.

### Puc 432.02 Telecommunications Relay Service.

- (a) A CLEC shall perform the following duties as part of the TRS service:
  - (1) A CLEC may collect TRS charges in the amount ordered by the commission in monthly basic service charges;
  - (2) A CLEC shall remit the TRS charges as follows:

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a. On or before the 20th day of each month, the amount collected shall be remitted to the TRS trustee account designated by the commission.

(b) A CLEC shall provide the New Hampshire relay provider with all information necessary to ensure local calls placed through the TRS are not billed as toll calls.

### Puc 432.03 E911 Surcharge.

(a) A CLEC shall collect the E911 surcharge required by RSA 106-H:9 in the amount ordered by the commission.

(b) A CLEC shall remit monthly the amount collected pursuant to (a) above to the Bureau of Emergency Management, Emergency Communications Section, currently located at 33 Hazen Drive, Concord, New Hampshire, 03305, or its successor agency.

### Puc 432.04 CLEC Notices to Customers.

(a) Unless otherwise specified, any notice to customers required by these rules shall:

(1) Include the company name and relevant contact telephone number;

(2) Be provided:

a. In a separate mailing;

b. As a bill insert; or

c. By clear and conspicuous notice printed on the customer's bill; and

(3) Be sent separately from promotional materials.

### Puc 432.05 Bill Forms. [See final proposal "disconnect rules" 9-2-04.]

### Puc 432.06 Application of Payments.

(a) A CLEC may require that its customers' bills are payable upon receipt by the customer.

(b) If a CLEC provides that customers may pay bills to an authorized payment agency of the CLEC, the CLEC shall credit the customer for payment as if posted on the date payment is rendered to the authorized payment agency.

### Puc 432.07 Notice to Customers of Rate Increase. [See final proposal "disconnect rule s" 9-2-04.]

### Puc 432.08 Notice to Customers of Changes in Prices and Services Offered.

(a) Prior to the effective date of price increases a CLEC shall notify all customers of the increase pursuant to Puc 432.04.

(b) Customers shall be given at least fourteen days to terminate the relevant service prior to the effective date of a price increase.

### Puc 432.09 Slamming Prohibited.

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(a) A CLEC shall comply with the FCC slamming regulations, 47 CFR 64.1100-1170 and 1190.

(b) If, after notice and opportunity for hearing, the commission finds a CLEC has switched a subscriber's selection of carrier without authorization, the commission shall impose an administrative penalty against the CLEC, not to exceed \$2,000 per subscriber line switched without authorization, pursuant to RSA 374:28-a,II.

(c) For repeated or flagrant slamming violations, after notice and opportunity for hearing, the commission may withdraw the CLEC's authorization to provide service, pursuant to RSA 374:28-a,III.

### Puc 432.10 Cramming Prohibited.

(a) A CLEC shall not engage in cramming.

### Puc 432.11 Advertising.

(a) A CLEC shall abide by the FCC/Federal Trade Commission Statement on Deceptive Advertising.

(b) A CLEC shall solicit business subject to the following requirements:

(1) Prospective customers shall be given information reasonably necessary for the customer to make an informed choice, including but not limited to:

a. Current rates;

b. Whether or not the customer shall be required to change his/her current presubscribed toll provider because the current presubscribed toll provider is unavailable to the CLEC; and

c. Length of service period required; and

(2) Written solicitations shall be legible and printed in a type size no less than 10 points.

### Puc 432.12 Directories.

(a) In the event of an error in the listed number of any customer, and until a new directory is published, a CLEC shall intercept, if possible, all calls to the listed number and give the calling party the correct number of the party being called.

(b) In the event of an error in the name or address listing of any customer, a CLEC shall include such customer's correct name, address and telephone number in the files and applicable databases of the information operator and shall furnish this information to every caller upon request.

(c) Whenever any customer's telephone number is changed for any reason after a directory is published, and until a new directory is issued, unless the customer requests otherwise, a CLEC shall:

(1) Intercept all calls to the former number for a period of no fewer than 90 days and give the calling party the new number for that customer;

(2) Maintain the correct number in its directory assistance listings; and

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- (3) Furnished the correct number to any caller upon request.

### Puc 432.13 Publication of Telephone Numbers.

(a) A CLEC shall not publish or list numbers for which a customer or other carrier requests non-directory listed or non-published status.

(b) Customers who request non-published telephone numbers shall be informed by a CLEC, at the time of the request, that the caller identification line blocking option is available at no additional charge.

### Puc 432.14 Confidentiality Requirements.

(a) All communications between customers of utilities shall be deemed confidential.

(b) No CLEC operators, employees or agents shall, except when a technical necessity exists:

- (1) Listen to any telephone conversation between customers; or
- (2) Monitor the content of non-voice communication such as data.

(c) Employees, including operators and agents of a CLEC, shall not repeat, divulge or use to any personal advantage or in any improper or illegal manner, any communication overheard or intercepted in any way, from or regarding, any telephone communication, including non-voice communication, to or from a customer of the CLEC.

### Puc 432.15 Third Party Billing.

(a) A CLEC which provides third party billing of toll charges shall, prior to allowing a third party customer to be billed for a charge to be incurred, require its operators to verify the agreement of the third party customer to accept liability for the charge to be incurred.

### Puc 432.16 Exit Fees.

(a) A CLEC shall not charge retail customers any exit fees, excluding contractual obligations.

Puc 432.17 Disconnection of Basic and Grandfathered Basic Service for Residential Customers. [See final proposal “disconnect rules” 9-2-04.]

### Puc 432.18 Disconnection of Bundled Service.

### Puc 432.19 Notice of Disconnection. [See final proposal “disconnect rules” 9-2-04.]

### Puc 432.20 Disconnection Conferences with Customer. [See final proposal “disconnect rules” 9-2-04.]

Puc 432.21 Disconnection of Service to Non-residential Customers. [See final proposal “disconnect rules” 9-2-04.]

### Puc 432.22 Disconnection of Associated Services. [See final proposal “disconnect rules” 9-2-04.]

## PART Puc 433 CLEC EQUIPMENT AND FACILITIES

### Puc 433.01 Construction, Installation and Maintenance of Physical Plant.

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(a) A facilities-based CLEC shall:

- (1) Construct, install and maintain its plant, structures, equipment, and lines in accordance with the National Electrical Safety Code (most recent edition), the National Electrical Code (most recent edition), and other recognized authorities;
- (2) Construct and install its plant, structures, equipment and lines to prevent interference with service furnished by other public service facilities, such as cable TV, fire alarm, electric, water, sewer, gas or steam facilities; and
- (3) Periodically test, inspect, and perform preventive maintenance designed to achieve efficient, safe, adequate and continuous operation of its system.

### Puc 433.02 Restoration of Service.

(a) When a customer's telephone service is reported or found to be out of order or degraded, the CLEC shall restore the service as promptly as possible.

### Puc 433.03 Emergency Operations.

(a) A CLEC shall make reasonable provisions to meet emergencies resulting from any of the following:

- (1) Failures of commercial power service;
- (2) Sudden and prolonged increases in traffic;
- (3) Illness, strike or labor unrest of employees;
- (4) Failure of a supplier to deliver materials or supplies;
- (5) Civil unrest; or
- (6) Any other significant disasters, including, but not limited to, fire, storms, floods, or other "acts of God" causing loss of communication to a large population and/or area of the state to the extent that the magnitude or duration is foreseeable.

(b) A CLEC shall establish plans and procedures and issue instructions to its employees and agents to be followed in the event of an emergency in order to prevent or mitigate interruptions or impairment of telephone service.

(c) The preparations required by (b) above shall include plans and procedures for operations under extreme, severe or adverse conditions, such as natural disasters, strike, labor unrest, civil unrest or supplier disruption.

(d) The plans and procedures established under (c) above, shall be made available to the commission, on a confidential basis, upon request.

### Puc 433.04 Safety Instructions.

(a) A CLEC shall adopt instructions for the safety of employees and agents.



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(b) A CLEC shall institute practices and programs to ensure that such employees and agents have been properly informed of safe practices and are cognizant of all hazards involved.

(c) A CLEC shall instruct its employees engaged in line construction, where pole facilities are used jointly with an electric utility, in the practice and use of accepted rules for resuscitation from electric shock.

(d) A CLEC shall provide copies of procedures developed pursuant to this section to each such employee or agent.

### Puc 433.05 Commission Inspections.

(a) A CLEC shall allow and assist the commission when it shall from time to time inspect the works and system of each CLEC and the manner in which the CLEC has conformed to statutes, rules and orders.

### Puc 433.06 Quality of Service Standards.

(a) A CLEC shall provide sufficient capacity and equipment to meet the following minimum requirements during any normal business hour as defined in (b) below:

(1) Dial tone shall be provided within three (3) seconds on at least 98% of telephone calls; and

(2) Complete dialing of called numbers shall occur, without encountering a busy condition within the intra-CLEC interoffice trunks, on at least 97% of all attempted calls.

(b) For purposes of this section, a “normal busy hour” means the hour during which the CLEC carries the most calls on a typical business day.

(c) A CLEC shall file Form CLEC-4 Quality of Service Report, described in Puc 449.05, annually.

(d) A CLEC shall file Form CLEC-5 Quality of Service Report Card, described in Puc 449.06, annually.

(1) The “Quality of Service Report Card” will be made available for public information.

## PART Puc 434 CLEC REPORTS AND FILINGS

### Puc 434.01 One-Time Filings Required for Prospective and New CLECs.

(a) A CLEC applicant shall file:

(1) Form CLEC-10 Application for Registration, described in Puc 449.07, when applying to provide service in New Hampshire.

(b) A CLEC shall file:

(1) Form CLEC-11 Adoption of Model Tariff, if the CLEC wishes to adopt the model tariff pursuant to Puc 431.03.

(2) Form CLEC-12 Initiation of Operations, described in Puc 449.09, when a CLEC begins serving its first revenue-producing customer in New Hampshire.

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### Puc 434.02 Biennial Reports.

(a) A CLEC shall file Form CLEC-25 Rate Sheet, described in Puc 449.11, on or before March 31<sup>st</sup> of each even-numbered year.

### Puc 434.03 Annual Reports.

(a) Unless otherwise specified in this part, reports filed annually are due on or before March 31<sup>st</sup> of each year, and shall cover the most recent calendar year ending on or prior to March 31.

(b) Annual reports shall commence with the most recent calendar year ending on or prior to March 31 of the first year such report or other required information is required by the commission.

(c) A CLEC shall file the following commission reports annually:

- (1) Form CLEC-1 Contact Information, described in Puc 449.02;
- (2) Form CLEC-2 Assessment Report, described in Puc 449.03;
- (3) Form CLEC-3 Annual Report, described in Puc 449.04;
- (4) Form CLEC-4 Quality of Service Report, described in Puc 449.05; and
- (5) Form CLEC-5 Quality of Service Report Card, described in Puc 449.06.

### Puc 434.04 Other Reports.

(a) Unless otherwise specified in this part, the following reports shall be filed within thirty days of the event that necessitates the filing:

- (1) Form CLEC-1 Contact Information, described in Puc 449.02, within ten days of any changes in the information on the CLEC's most recently filed "Contact Information";
- (2) Form CLEC-30 Utility Accident Report, described in Puc 449.12;
- (3) Form CLEC-34 Discontinuance of Operations, described in Puc 449.13;
- (4) Form CLEC-35 Withdrawal of Application/Authorization, described in Puc 449.14;
- (5) Form CLEC-36 Transfer of Customer Base, described in Puc 449.15
- (6) Form CLEC-37 Change in Ownership, described in Puc 449.16;
- (7) Form CLEC-38 Service Outage Report, described in Puc 449.17; and
- (8) Form CLEC-40 CLEC FX Eligibility Report, described in Puc 449.18.

### Puc 434.05 Submitting Reports and Forms.

(a) A CLEC shall submit any report or form to the commission by:

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- (1) Mail to: New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, NH 03301-2429; and/or
- (2) Electronic report filing (ERF), or its successor, on the commission website.
  - a. Any electronic filing must comply with Puc 202.08 regarding filing requirements.

### Puc 434.06 Confidential Treatment.

- (a) A CLEC which seeks confidential treatment of any of the reports required by this section shall do so pursuant to RSA 378:43.

## PART Puc 435 CLEC RECORDS

### Puc 435.01 Preservation of Records.

- (a) A CLEC shall preserve all records required by Puc 200, 400 for a period of two years unless a stricter requirement is specified in this rules.

## PART Puc 436 CLEC INTERCARRIER OBLIGATIONS

### Puc 436.01 Intercompany Cooperation.

- (a) A CLEC shall abide by the general carrier obligation to:
  - (1) Provide any elements of cooperation necessary to produce a ubiquitous, seamless and transparent telecommunications network in New Hampshire.
    - a. For the purpose of (1) above, a seamless telecommunications network means one in which customers do not perceive any transition from one carrier to the next.

### Puc 436.02 Switching and Signaling Obligations.

- (a) A CLEC shall:
  - (1) Provide answer and disconnect supervision in accordance with industry standards;
  - (b) Complete the following kinds of calls unless screened or blocked at the customer's request:
    - a. Collect calls; and
    - b. Third party calls;
  - (2) Provide reasonable access to all signaling information pursuant to industry protocols;
  - (3) Not interfere with the transmission of signaling information;
  - (4) Protect Customer Proprietary Network Information (CPNI) according to FCC regulations;
  - (5) Communicate, on a demand and preventative basis, information regarding maintenance necessary to insure successful call completion.

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### Puc 436.03 Trouble Reporting and Resolution Obligations.

(a) A CLEC shall:

- (1) Accept and respond to repair requests, trouble reports and service orders without regard to whether the service is being resold or migrated;
- (2) Ensure that trouble reports are directed to the correct carrier(s) in a timely manner;
- (3) Rectify any customer troubles in a prompt manner;
- (4) Be governed by the following:
  - a. The carrier providing the customer's local exchange service, that is, dial tone, is responsible for reporting and coordinating troubles that involve interruption of service.
  - b. The carrier receiving a trouble report from an end user reporting the non-completion of a call is responsible for accepting, reporting and coordinating that trouble.

### Puc 436.04 Rights of Way.

(a) A CLEC shall provide access to any pole, duct, conduit or right of way owned or controlled by the CLEC in accordance with the Telecommunications Act of 1996.

### Puc 436.05 Billing and Collections.

- (a) A CLEC shall provide billing and collection services for casual calling.
- (b) A CLEC shall exchange data necessary for billing and collection.

### Puc 436.06 Carrier to Carrier Migrations.

(a) A CLEC shall not release confidential customer information, including customer usage data and customer payment information, without written authorization from the customer, unless otherwise required by law.

(b) A CLEC shall:

- (1) Accept and respond to requests for customer information, service and feature information, migration and installation orders without regard to whether the service is being resold or migrated;
- (2) Refrain from marketing or otherwise initiating communications to retain or obtain a customer for at least fourteen days following these events:
  - a. Receipt of an order to transfer, change or install the customer's service;
  - b. Receipt of a request for customer service records or information from a competing carrier; and
  - c. Completion by the carrier of an order to migrate a customer from its services to a competing carrier;

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- (3) Be responsible, when acquiring a new customer, for scheduling the events of a migration and for notifying the customer of the timing and impact of those events;
- (4) Maintain an end-user's right to privacy at all times;
- (5) Work together in good faith with other carriers to minimize or avoid any problems, including but not limited to service interruptions and billing problems, when migrating end users;
- (6) Maintain a company contact escalation list, and make that list available to any competing carrier to whom or from whom they will migrate customers;
- (7) When porting a customer's number, release the number without delay or consideration of any issue such as the customer's account balance;
- (8) Be responsible for building a port trigger in their telephone number translations at least one business day prior to a cutover; and
- (9) Upon notification of number porting, ensure that the port trigger will query the Number Portability Administration Center database every time a call is placed to the telephone number being cut over.

### Puc 436.07 Duplicate Provisioning of Residential Service.

- (a) A CLEC shall release unused unbundled loop facilities within five working days of a request from a new local service provider.
- (b) If a residential customer has ordered service from a LEC which cannot be installed because unbundled loop facilities were not made available pursuant to (a) above:
  - (1) If the old LEC fails to release the facilities, the new LEC must provision new facilities to provide basic service to the end user. Construction costs for the new service may be recovered from:
    - a. The new customer, at no more than the standard installation charge that would have normally been incurred; and
    - b. From the old service provider, less the amount collected pursuant to (1) above.

### Puc 436.08 Intercompany Contact Information.

- (a) A CLEC shall provide and regularly maintain contact and escalation lists for network, interconnection and provisioning issues.
- (b) The information described in (a) above shall be provided:
  - (1) To the commission; and
  - (2) On a web page, if the CLEC maintains a website.
- (c) Substantive changes to the location or content of the information shall be updated within five business days.

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### Puc 436.09 Maintaining and Updating Databases.

(a) A CLEC shall maintain and update the following information in a timely and responsible manner:

- (1) Directory assistance;
- (b) Automated Number Identification and Automated Line Identification in the E911 database;
  - (1) The toll-free 800 database;
  - (2) The Line Information Database (LIDB);
  - (3) Advanced Intelligent Network; and
  - (4) Other databases necessary for the provision of ubiquitous service.

### PART Puc 437 CLEC UNBUNDLING

#### Puc 437.01 Unbundled Network Elements.

(a) A CLEC may purchase the following unbundled elements from a wholesale tariff, without necessity of an interconnection agreement:

- (1) The local loop;
- (2) The network interface device, which means a cross-connect device used to connect loop facilities to inside wiring;
- (3) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services;
- (4) Local switching unbundled from transport, local loop transmission, or other services, including tandem switching;
- (5) Interoffice transmission facilities as defined and described in Part 51 of the Code of Federal Regulations, Section 51.319(d);
- (6) Signaling networks and call-related databases as defined and described in Part 51 of the Code of Federal Regulations, Section 51.319(e);
- (7) Operations support systems functions as defined and described in Part 51 of the Code of Federal Regulations, Section 51.319(f); and
- (8) Operator services and directory assistance where technically feasible.

(b) A CLEC may submit a request for an unbundled network element not listed in (a) above, which is technically capable of being unbundled, as follows:

- (1) A request for an unbundled network element not listed in (a) above, shall:
  - a. Be submitted in writing; and

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- b. Include a technical description of the network element.
- (2) If an ILEC denies a request, the ILEC denying the request shall provide to the requesting CLEC a written specific explanation of why it is technically infeasible to grant or otherwise lawful to deny the request.
- (3) An ILEC's denial and explanation of the denial pursuant to (2) above shall be issued to the requesting CLEC within 30 days of the ILEC's receipt of the request.
- (4) If an ILEC does not deny the request, the ILEC shall provide to the requesting CLEC a price quote which shall include, at a minimum, the following:
- a. A description of each network element;
  - b. The applicable rates; and
  - c. The installation intervals.
- (5) An ILEC shall provide the information required in (4) above within 120 days of the ILEC's receipt of the request.
- (6) A CLEC whose request made pursuant to this section is denied may petition the commission for a hearing as to whether the denial should be reversed pursuant to (7) below.
- (7) The commission shall permit an ILEC's denial if the commission concludes that:
- a. The requested network element is proprietary or contains proprietary information that will be revealed if the network element is unbundled; and
  - b. The requesting CLEC could offer the same proposed service through the use of other, nonproprietary unbundled network elements.

### PART Puc 438 CLEC INTERCONNECTION

#### Puc 438.01 Standards.

- (a) A CLEC shall provide citations to necessary technical references to ILECs or other CLECs who interconnect or seek to interconnect.
- (b) Network changes affecting interconnection made by a CLEC shall be backwards compatible for three years from the introduction of the upgrade.
- (c) At least 6 months prior to network changes affecting interconnection, a CLEC shall make available to ILECs and other CLECs necessary information relating to network design and technical standards, and information concerning changes to the network that affect interconnection.
- (d) The cost and timely correction of an ILEC's violations of the National Electrical Safety Code and the National Electrical Code, existing prior to a CLEC's request to access poles, ducts, conduits, or rights of way, shall not be the responsibility of the CLEC.

#### Puc 438.02 Terms and Conditions.

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(a) A CLEC shall not be required to have physical collocation with the ILEC in order to achieve interconnection.

### Puc 438.03 Additional Requests.

(a) A CLEC may submit a request for interconnection at a technically feasible point not listed in Puc 419.01(a).

(b) A CLEC whose request for interconnection at a point not listed in Puc 419.01(a) is denied by an ILEC may petition the commission for a hearing as to whether the denial should be reversed.

(c) The commission shall reverse an ILEC's denial of a CLEC's request for interconnection at a point not listed in Puc 419.01(a) unless the ILEC proves that interconnection at that point is not technically feasible.

(1) Previous successful interconnection at the particular point using particular facilities, or at substantially similar points in networks employing substantially similar facilities, shall constitute substantial evidence of technical feasibility for interconnection at a particular point.

## PART Puc 439 CLEC CORPORATE RESTRUCTURING

### Puc 439.01 Prior Approval Not Required.

(a) A CLEC, pursuant to RSA 374:22-o, shall not be required to obtain prior approval from the commission for financing or corporate organizational changes including, but not limited to, the issuance or transfer of its securities or the sale, lease or other transfer of its assets.

(b) Notwithstanding (a) above, a CLEC failing to notify the commission and its customers pursuant regarding corporate restructuring as required in this part, shall be in violation of RSA 374:28-a, regarding slamming.

### Puc 439.02 Transfer of Customer Base.

(a) When a CLEC proposes to transfer its customer base, pursuant to Puc 402.39 it shall:

- (1) Notify the commission by filing Form CLEC-36 Transfer of Customer Base; and
- (2) Provide, no fewer than fourteen days prior to the effective date of such change, and pursuant to Puc 432.04, written notice to each affected customer which includes:
  - a. Notice that the CLEC shall discontinue providing CLEC services to the customer;
  - b. Notice that the customer must select an alternate local exchange service provider or the customer will be assigned to the proposed transferee or lessee carrier;
  - c. Notice of the date the CLEC shall discontinue providing CLEC services to the customer;
  - d. Notice that the change in carrier shall be without charge to the customer;
  - e. A clear statement:



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1. Of any difference in the rates and/or terms and conditions of service of the CLEC and the rates and/or terms and conditions of service of the proposed transferee or lessee CLEC; or

2. That the rates and terms and conditions of service of the CLEC and the proposed transferee or lessee CLEC are the same;

f. The name, address and telephone number of the proposed transferee or lessee CLEC if the customer does not select an alternate carrier within the prescribed time period; and

g. Notice of the time period within which the customer shall make a selection of any alternate CLEC or be assigned to the default or successor carrier, if different than the date the CLEC shall cease to provide service to the affected customer;

(3) Provide a copy of the notice described in (2) above to the commission at the same time notice is sent to affected customers; and

(4) Within 30 days of the effective date of the change, refund to its customers any applicable amounts owed.

(b) The proposed transferee or lessee shall register as a CLEC, pursuant to Puc 431, if not already so registered.

### Puc 439.03 Change in Ownership.

(a) When a CLEC undergoes a change in ownership pursuant to Puc 450.03 (a) it shall:

(1) Notify the commission by filing Form CLEC-37 Change in Ownership;

(2) Provide written notice, pursuant to Puc 432.04, of the change in ownership to each affected customer, which shall include:

a. Information regarding the change in ownership;

b. Notice that the customer may select an alternate local exchange provider, if desired, without charge or penalty; and

c. Notice that the conditions of service of the CLEC shall remain the same.

(b) A CLEC failing to notify the commission and its customers pursuant to (a) above, shall be in violation of RSA 374:28-a, regarding slamming.

PART Puc 440 CLECs RESERVED FOR FUTURE USE

PART Puc 441 CLECs RESERVED FOR FUTURE USE

PART Puc 442 CLECs RESERVED FOR FUTURE USE

PART Puc 443 CLECs RESERVED FOR FUTURE USE

PART Puc 444 CLECs RESERVED FOR FUTURE USE

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PART Puc 445 CLECs RESERVED FOR FUTURE USE

PART Puc 446 CLECs RESERVED FOR FUTURE USE

PART Puc 447 CLECs RESERVED FOR FUTURE USE

PART Puc 448 CLECs RESERVED FOR FUTURE USE

PART Puc 449 CLEC FORMS

Puc 449.01 Availability of Forms.

(a) All commission forms are available on the commission's web site at <http://www.puc.nh.gov/Telecom/telecom.htm> or its successor site.

(b) Forms may be submitted electronically, but a CLEC must comply with Puc 202.08 regarding filing requirements.

Puc 449.02 Form CLEC-1 Contact Information.

(a) The "Contact Information" form, required by Puc 434.03 and 434.04, shall include:

- (1) The current date;
- (2) General information, listing the company's:
  - a. Legal company name;
  - b. The business name the company uses with its customers;
  - c. Complete mailing address;
  - d. Internet address, if the CLEC maintains a website;
  - e. Toll-free number for customer service; and
  - f. Toll-free number for repair service.
- (3) Contact information for the following individuals:
  - a. Person responsible for preparing the annual report;
  - b. Person responsible for regulatory matters, including the filing of rate schedules;
  - c. Person that the commission's consumer affairs division shall call regarding consumer complaints from customers;
  - d. Person responsible for paying assessment bills;
- (4) Contact information for each individual in (3) above shall consist of name and title;
  - a. Mailing address;

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- b. Phone and fax numbers; and
- c. Email address;
- (5) Names and titles of principal officers.
- (6) The “Contact Information” shall be mailed to the Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, NH 03301-2429.

### Puc 449.03 Form CLEC-2 Assessment Report.

- (a) The “Assessment Report,” required by Puc 434.03, shall include:
  - (1) Name and address of the company;
  - (2) Company’s federal employer identification number (FEIN);
  - (3) Contact person’s name, phone number and email address;
  - (4) Calendar year ending; and
  - (5) Gross utility revenue during the period.
- (b) The “Assessment Report” shall be:
  - (1) Signed and dated by an authorized representative, along with:
    - a. Printed name and title of the signatory.

### Puc 449.04 Form CLEC-3 Annual Report.

- (a) The “Annual Report” required by Puc 434.03 shall include:
  - (1) Name of the company;
  - (2) Company’s federal employer identification number (FEIN);
  - (3) Year being reported on;
  - (4) New Hampshire CLEC authorization number;
  - (5) Contact information for officer responsible for filing the “Annual Report,” including:
    - a. Name and title;
    - b. Address;
    - c. Phone number; and
    - d. Email address.
  - (6) Identification of the company’s registration type(s), *i.e.*, CLEC, CTP or both;

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- (7) The business name the company uses with its customers;
- (8) A balance sheet and an income statement for the year reported, separately attached;
- (9) List of company officers and titles;
- (10) List of company affiliates that provide telecommunication services in New Hampshire;
- (11) A brief description of the CLEC's services which generate New Hampshire revenue;
- (12) A breakdown, by retail and wholesale, of revenue into the following categories:
  - a. IntraLATA toll;
  - b. Toll revenue other than intraLATA toll;
  - c. Local service;
  - d. Access;
  - e. All other revenue not included in a. through d. above; and
  - f. Subtotal by retail and wholesale;
- (13) The total of all New Hampshire revenues provided in (12) a. through e. above;
- (14) Statistical data for New Hampshire operations, including:
  - a. Miles of fiber sheath and of copper sheath;
  - b. Number of switches and their locations;
  - c. Locations of points of interconnection, with the name of the associated company and rate center for each; and
  - d. Number of voice equivalent lines for which customers are billed; and
- (15) Whether, for New Hampshire, the company has:
  - a. Discontinued service in any exchange during the past 12 months;
  - b. Discontinued operations during the year;
  - c. Taken or required deposits for telephone service;
  - d. Offered internet access to end users.
- (16) A statement that, if the CLEC has attained CLEC FX eligibility in any exchange, that the CLEC continues to meet the requirements of the commission for CLEC FX eligibility in that exchange.
- (17) If local services are provided, an attachment that lists, in tabular format, each service, meaning any component that is separately billed to customers on a line or number basis, in each exchange;

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- a. The table shall include:
  1. The exchange;
  2. Service provided;
  3. Whether the service is for business or residential customers;
  4. Number of subscriber lines or telephone numbers, whichever is appropriate, by provisioning type.

(18) A sworn attestation signed and dated by the president and the treasurer, that states that the annual report has been properly prepared and represents fairly the results of the company's operations.

### Puc 449.05 Form CLEC-4 Quality of Service Report.

- (a) The "Quality of Service Report," required by Puc 433.06, shall include:
  - (1) The average number of days between date of request for service and installation of service;
  - (2) The percentage of installation appointments which the CLEC failed to keep;
  - (3) The average answer time to connect caller to repair service operator;
  - (4) The percentage of calls to a repair number that are abandoned;
  - (5) The percentage of service outages lasting longer than 24 hours;
  - (6) The average length of repair time, which means the time elapsing from the time trouble is reported until the time trouble is cleared;
  - (7) The percentage of repair appointments which the reporting CLEC failed to keep; and
  - (8) The average number of customer trouble reports per 100 access lines of the CLEC for the year.
- (b) CLECs may file with the commission, in addition to the information listed in (a) above, information as to the average number of days between the customer-requested date for installation of service and the actual date of installation.

- (c) The "Quality of Service Report" shall be:
  - (1) Signed and dated by an authorized representative, along with:
    - a. Printed name and title of the signatory.

### Puc 449.06 Form CLEC-5 Quality of Service Report Card.

- (a) The "Quality of Service Report Card," required by Puc 434.03, shall include:
  - (1) General information, listing the company's:

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- a. Legal company name;
  - b. The business name the company uses with its customers;
  - c. Complete mailing address; and
  - d. Internet address, if the CLEC maintains a website.
- (2) A general description of the CLEC's business;
  - (3) Responsiveness score;
  - (4) Accessibility score; and
  - (5) Reliability score.
- (b) The "Quality of Service Report Card" shall be:
    - (1) Signed and dated by an authorized representative, along with:
      - a. Printed name and title of the signatory.

### Puc 449.07 Form CLEC-10 Application for Registration.

- (a) The "Application for Registration" form, required by Puc 431.01, shall include:
  - (1) The applicant's legal name and name under which it does business;
  - (2) The applicant's business and mailing address(s);
  - (3) The federal employer identification number (FEIN) of the applicant;
  - (4) A statement as to whether the applicant, any of the general partners, corporate officers, director of the company, limited liability company managers or officers have ever been convicted of any felony that has not been annulled by a court;
  - (5) A statement as to whether the applicant or any of the persons listed in (4) above:
    - a. Has, within the 10 years immediately prior to registration:
      - 1.Had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation; or
      - 2.Settled any civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation.
    - b. Is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;
    - c. If an affirmative answer is given to a. and/or b. above, an explanation of the event;
  - (6) Consumer and intercompany information:

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- a. Company escalation list for intercarrier issues;
  - b. Company escalation list for consumer issues; and
  - c. If a company website is available, 1. and 2. above are to be provided on a web page, maintained and updated on a regular basis;
- (7) Whether the applicant will be providing:
- a. Voice service; and/or
  - b. Data service;
- (8) Statements that:
- a. The applicant's intraLATA switched access rates in an ILEC territory will not exceed the rates, approved by the commission, for the ILEC serving that territory, with the following exception:
    - 1. The applicant files a petition with evidence supporting a higher rate, and the commission approves the petition.
  - b. If applicable, that the applicant will not require advance payments or deposits from its customers;
  - c. The applicant has the necessary managerial qualifications, technical competence, and financial resources for which it is applying;
  - d. The applicant agrees to comply with, and shall operate in accordance with, all provisions and requirements of all applicable statutes, rules and orders; and
  - e. The information on the form is true and correct to the best of the individual's knowledge and belief.
- (b) The applicant shall attach a copy of the company's Secretary of State Certificate of Authority, pursuant to Puc 402.33.
- (c) A copy of Form CLEC-1 Contact Information, as described in Puc 449.02.
- (d) The authorized representative of the company shall sign and date under oath the "Application for Registration" form, pursuant to RSA 374:15.

### Puc 449.08 Form CLEC-11 Adoption of Model Tariff.

- (a) The "Adoption of Model Tariff," referred to in Puc 431.03, shall include:
- (1) Provider information, which shall include:
    - a. Name and address of company;
    - b. Contact person name, phone number, fax number and email address; and

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- c. CLEC authorization number;
- (2) Person to contact for questions about declaration, which shall include:
  - a. Contact person; and
  - b. Mailing address, phone number, fax number and email address.
- (3) Declaration of intent to adopt the model tariff, which shall include:
  - a. An attestation that the applicant adopts the model tariff; and
  - b. Date of adoption.
- (b) The “Adoption of Model Tariff” shall be:
  - (1) Signed and dated by an authorized representative, along with:
    - a. Printed name and title of the signatory.

### Puc 449.09 Form CLEC-12 Initiation of Operations.

- (a) The “Initiation of Operations” required by Puc 431.10 shall include:
  - (1) Provider information, which shall include:
    - a. Name and address of company;
    - b. Contact person name, phone number, fax number and email address; and
    - c. CLEC authorization number.
  - (2) Date services were first provided.
- (b) The “Initiation of Operations” shall be:
  - (1) Signed and dated by an authorized representative, along with:
    - a. Printed name and title of the signatory.

### Puc 449.10 Form CLEC-25 Rate Schedule.

- (a) The “Rate Schedule,” required by Puc 431.02, shall include:
  - (1) The CLEC’s legal name and name under which it does business;
  - (2) The CLEC’s business and mailing address(s);
  - (3) The CLEC authorization number;
  - (4) The federal employer identification number (FEIN); and



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(5) The name, title, address, direct telephone number, and email address for the CLEC employee or agent responsible for the content of the rate schedule.

(6) Attached rate sheet(s), which shall include:

a. The following information for each service offered by the CLEC:

1.The name of the service, as it will appear on customer bills;

2.The name of the service as it will appear on company provisioning documents, if different;

3.A brief description of service;

4.The price at which the service is offered; and

5.The date on which the price is effective.

(b) Any rate schedule of more than ten pages shall include:

(1) A table of contents; and

(2) Numbered pages.

(c) The “Rate Schedule” shall be:

(1) Signed and dated by an authorized representative, along with:

a. Printed name and title of the signatory.

### Puc 449.11 Form CLEC-30 Utility Accident Report.

(a) The “Utility Accident Report,” required by Puc 431.16, shall include:

(1) A designation as to whether the report is a 10 day report or a quarterly report;

(2) The report number and date of the report;

(3) The name of the reporting utility;

(4) The date of the accident;

(5) The location of the accident;

(6) An indication of whether the accident resulted in loss of service for an entire telephone exchange for 15 minutes or longer;

(7) A description of the cause of the accident;

(8) A description of the extent of any property damage;

(9) The name of the injured person;

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- (10) The injured person's relationship to the utility, if any;
- (11) A description of the nature of injuries;
- (12) An indication of whether the accident involved electric contact;
- (13) An indication of whether any injury was fatal;
- (14) The date of death of any person, if applicable;
- (15) A previous report number, if applicable;
- (16) An indication of whether any pole and/or any anchor(s) supporting any pole involved in the accident was licensed and properly located;
- (17) If the location of any pole and/or anchor(s) supporting any pole involved in the accident are other than as licensed, diagrams of the locations of the pole and/or anchor(s) as they are licensed and as they are actually located.
- (18) A diagram of the accident;
- (19) A police report of the accident, if available;
- (20) A doctor's report on any injured person, if available; and
- (21) Signed and dated by an authorized representative, along with:
  - a. Printed name and title of the signatory.

### Puc 449.12 Form CLEC-34 Discontinuance of Operations.

- (a) The "Discontinuance of Operations" form, required by Puc 431.21, shall contain:
  - (1) The applicant's legal name, name under which it does business, mailing address and telephone contact information;
  - (2) Regulatory contact, including that person's telephone number, fax number and email address;
  - (3) Effective date of discontinuance;
  - (4) Statements that:
    - a. Filing the "Discontinuance of Operations" form does not, by itself, constitute authority to discontinue any service;
    - b. The proposed effective date shall follow written notice to customers, as provided in Puc 431.21, by at least the following number of days:
      1. 30 days for providers of resale services; or
      2. 30 days for any carrier with fewer than 500 customers;

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3. 45 days for UNE-P providers with more than 500 customers; or
  4. 60 days for all other carriers;
- c. The commission shall relieve the CLEC of its surety bond requirements upon the timely completion of the requirements of Puc 431.21; and
  - d. A written statement, signed under the penalties contained in RSA 641:3, relating to unsworn falsification, by the authorized representative of the CLEC, certifying that the information is true to the best of the signatory's knowledge and belief.
- (b) The CLEC shall attach:
- (1) A copy of the CLEC's notice to its customers, pursuant to Puc 431.21; and
  - (2) Evidence that all CLEC customers have received refunds for any and all credits, deposits, or prepayments due them.
- (c) The "Discontinuance of Operations" shall be:
- (1) Signed and dated by an authorized representative of the company, along with:
    - a. Printed name and title of the signatory.

### Puc 449.13 Form CLEC-35 Withdrawal of Application/Authorization.

- (a) The "Withdrawal of Application/Authorization" form, required by Puc 431.20, shall contain:
- (1) The applicant's legal name, name under which it does business, mailing address, and phone number;
  - (2) Proposed date of withdrawal as business entity in New Hampshire;
  - (3) Either:
    - a. CLEC authorization number and date of the authorization; or
    - b. Date of application.
  - (4) Statements that:
    - a. The provider has never served customers in New Hampshire;
    - b. The provider owes no New Hampshire utility end user any deposits or refunds.
    - c. Any rate schedule(s) are withdrawn;
    - d. The adoption of the model tariff, if applicable, is withdrawn;
  - (5) Notice that:

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- a. Filing the “Withdrawal of Application/Authorization” does not constitute authority to discontinue any service;
  - b. The surety bond requirement shall be released only upon commission acceptance of the “Withdrawal of Application/Authorization.”
  - c. The information on the form is true and correct to the best of the individual’s knowledge and belief.
- (6) Signed and dated by an authorized representative, along with:
- a. Printed name and title of the signatory.
  - (b) The authorized representative of the company filing the “Withdrawal of Application/Authorization” application shall provide a signed, dated, and sworn statement as to the accuracy of the information contained in the application.

### Puc 449.14 Form CLEC-36 Transfer of Customer Base.

- (a) The “Transfer of Customer Base” form, as required by Puc 439.02, shall contain:
- (1) Transferor information, including:
    - a. Name and address of the company;
    - b. CLEC authorization number;
    - c. The business name the company uses with its customers;
  - (2) Transferee information, including:
    - a. Name and address of the company;
    - b. CLEC authorization number, or date of application for registration;
    - c. The business name the company uses with its customers;
  - (3) Effective date of the transfer;
  - (4) Signed and dated by an authorized representative of the company, along with:
    - a. Printed name and title of the signatory.
  - (b) Attach an updated Form CLEC-1 Contact Information, as described in Puc 449.02.

### Puc 449.15 Form CLEC-37 Change in Ownership.

- (a) The “Change in Ownership of Telecommunications Providers,” required by Puc 439.03, shall contain:
- (1) Transferor information, including:

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- a. Name and address of the company;
  - b. CLEC authorization number; and
  - c. The business name the company uses with its customers;
- (2) Transferee information, including:
- a. Name and address of the company;
  - b. CLEC authorization number, or date of application for registration;
  - c. The business name the company uses with its customers;
- (3) Name under which the transferee will be providing service;
- (4) Effective date of the transfer;
- (5) Signed and dated by an authorized representative of the company, along with:
- a. Printed name and title of the signatory.
- (b) Attach an updated Form CLEC-1 Contact Information, as described in Puc 449.02.

### Puc 449.16 Form CLEC-38 Service Outage Report.

- (a) The “Service Outage Report,” required by Puc 431.15, shall include:
- (1) The report number and date;
  - (2) The name of the reporting utility;
  - (3) The date and time of the outage;
  - (4) The location of the outage;
  - (5) Whether an entire exchange was affected;
  - (6) The number of affected access lines;
  - (7) The cause of the outage;
  - (8) The date and time service was restored;
  - (9) The name of the person contacted at the commission;
  - (10) The date and time the commission was contacted; and
  - (11) Signed and dated by an authorized representative of the company, along with:
    - a. Printed name and title of the signatory.

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### Puc 449.17 Form CLEC-40 CLEC FX Eligibility Reporting.

(a) The “CLEC FX Eligibility Reporting” form required by Puc 434.04 shall include:

- (1) Provider’s exact legal name;
- (2) CLEC authorization number and date of authorization;
- (3) For each exchange from which the CLEC has:
  - a. Ported telephone numbers assigned to its customers;
  - b. Blocks of telephone numbers assigned to the CLEC; or
  - c. Applied for blocks of telephone numbers;
  - d. Provide the following information:
    - 1.Exchange name, pursuant to the municipality name used by the ILEC;
    - 2.NXX number;
    - 3.Thousand-block ID(s), if applicable;
    - 4.Whether the company has collocation with the ILEC in that exchange;
    - 5.If the answer to 4. is no, information regarding other provisioning type, providing the number of customers for each type of provisioning:
      - i. CLEC-owned copper loop;
      - ii. CLEC-owned fiber loop;
      - iii. EELs;
      - iv. Customer information including name, address and telephone number for a representative customer in the exchange.
  - e. A written statement, signed under the penalties contained in RSA 641:3, relating to unsworn falsification, by the authorized representative of the CLEC, certifying that the information is true to the best of the signatory’s knowledge and belief.

(b) The “CLEC FX Eligibility Report” shall be:

- (1) Signed and dated by an authorized representative, along with:
  - a. Printed name and title of the signatory.

### PART Puc 450 RULES FOR COMPETITIVE INTRALATA TOLL PROVIDERS (CTPs)

#### Puc 450.01 Purpose.

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(a) The purpose of the rules in this part is to establish standard procedures, general business rules, and guidelines for CTPs in order to enable CTPs to comply with relevant statutes and commission orders.

### Puc 450.02 Application of Rules.

- (a) The provisions of Puc 450 through 469 shall apply to all CTPs.
- (b) ILECs who offer toll service shall not be considered CTPs, and are not subject to the rules herein.
- (c) ILEC affiliates who are CTPs shall be subject to the rules herein.
- (d) CLECs who are CTPs shall be subject to the rules herein.
- (e) The following commission rules shall apply to CTPs:
  - (1) Puc 102, relative to definitions of terms;
  - (2) Puc 200, procedural rules;
  - (3) Puc 402, relative to definitions of terms;
  - (4) Puc 800, underground utility damage protection program; and
  - (5) Puc 1200, uniform administration of utility customer relations.

### Puc 450.03 Definitions.

- (a) “Change of Ownership” refers to the acquisition of a CTP by another entity wherein the CTP retains its separate corporate identity, without change in the CTP's name, customer relationships, terms or conditions of service.
- (b) “Market share” means the ratio of a company's intrastate toll revenue to the total of all companies' intrastate toll revenue, as reported on the current annual reports, expressed as a percentage.
- (c) “Transfer of Customer Base” refers to the merger, acquisition, transfer, lease or other change in ownership of the customer base, franchise, works or system, or any part of such customer base, franchise, works or system, of a CTP. A Transfer of Customer Base may involve a change in the CTP's name, customer relationships, terms or conditions of service.

## PART Puc 451 CTP REGULATORY REQUIREMENTS

### Puc 451.01 Registration.

- (a) Before commencing operations as a CTP in New Hampshire the entity proposing to provide CTP service shall register with the commission and receive its CTP Authorization Number.
- (b) To register with the commission a CTP shall file:
  - (1) Form CTP-10 Application for Registration;
  - (2) Form CTP-25 Rate Schedule; and

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- (3) Form CTP-11 Adoption of Model Tariff, if the CTP wishes to adopt the model tariff pursuant to Puc 451.03.

### Puc 451.02 Rate Schedule.

- (a) A CTP shall file rate schedule(s) with the Commission using Form CTP-25 Rate Schedule.
- (b) Any rate schedule filed pursuant to (a) above, shall not include any terms, conditions or limitations of liability.
- (c) CTPs shall file amended rate schedule(s) for additions, changes or deletions to its services, and for price increases, pursuant to Puc 451.11 below, no later than thirty days prior to the effective date of the rate change or offering of the new service.
- (1) Promotions shall be filed no later than one day prior to their effective date. Promotions shall:
- a. Contain the date the promotion ends;
  - b. Expire within one year of their effective date; and
  - c. Not be extended to last more than one calendar year.
- (d) For price decreases, CTPs shall file amended rate schedule(s), pursuant to Puc 451.11 below, no later than one day prior to the effective date of the rate change.
- (e) As to any rate schedule filed with the commission by a CTP:
- (1) The commission shall maintain the CTP's rate schedule(s) on file for informational purposes;
  - (2) The filing of a rate schedule shall not create a presumption that the commission has either reviewed or approved the rates;
  - (3) The commission shall presume the rates are just and reasonable unless and until a complaint is raised by a member of the public at which time the rate schedule(s) shall be subject to review; and
  - (4) The CTP shall not include any provisions in its rate schedule(s) which are inconsistent with applicable commission rules and/or statutory requirements.
- (f) A CTP shall file biennially, in each even-numbered year, its complete rate schedule. Such filing may be in electronic format.
- (g) In the event that terms, conditions or limitations on liability are included in a rate schedule filed with the commission, such terms, conditions and limitations on liability shall have no effect.
- (h) CTPs with rate schedules and/or tariffs on file with the commission on the effective date of these rules shall have until March 31, 2006, to bring existing rate schedules and/or tariffs into compliance with this section.

### Puc 451.03 Model Tariff.



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(a) CTPs may adopt the model tariff, available on the commission's web site, by submitting Form CTP-11 Adoption of Model Tariff.

(b) A CTP which elects to adopt the model tariff shall not file the actual text of the model tariff with the commission but shall simply adopt its terms.

(c) A CTP which adopts the model tariff shall not alter or rearrange the content of the model tariff in any way.

(d) CTPs with tariffs on file with the commission on the effective date of these rules shall have until March 31, 2006, to bring existing tariffs into compliance with this section.

### Puc 451.04 Surety Bond.

(a) A CTP shall have on file with the commission proof of a surety bond:

(b) The surety bond amount shall be the greater of:

(1) \$10,000; or

(2) 10% of the CTP's gross New Hampshire revenues.

(c) The surety bond shall be updated annually concurrent with the CTP's annual report.

(d) The surety bond must be from a surety company authorized to conduct business in New Hampshire.

(e) CTPs already registered on the effective date of these rules shall be required to comply with this section as of March 31, 2006.

### Puc 451.05 The CTP Authorization.

(a) Once a CTP has registered with the commission, the commission shall, except as provided in Puc 451.13, issue a CTP authorization number, which authorizes the applicant to provide CTP service.

(b) Any authorization obtained by a CTP under this part is non-transferable.

### Puc 451.06 Annual Report.

(a) A CTP shall file Form CTP-1 Annual Report each year, regardless of whether it has initiated operations or has any operating revenues in New Hampshire.

(b) A CLEC which is also a CTP shall file one combined annual report covering the operation of both entities.

### Puc 451.07 Assessment.

(a) A CTP shall be assessed, pursuant to RSA 363-A:2, and shall remit such assessment to the commission, pursuant to RSA 363-A:4.

(b) A CTP shall file Form CTP-2 Assessment Report annually.

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### Puc 451.08 Contact Information.

(a) A CTP shall file Form CTP-1 Contact Information with the commission, annually and within ten days of any change of the information on the "Contact Information" form.

### Puc 451.09 Conditions of Operation.

(a) A CTP shall file Form CTP-12 Initiation of Operations when it acquires and provides service to an end user in New Hampshire.

(b) A CTP is authorized to operate so long as the CTP:

- (1) Maintains its surety bond pursuant to Puc 451.04;
- (2) Files all required reports, including its annual report and rate schedule(s);
- (3) Complies with all applicable statutes and rules, and any conditions established by order of the commission.

### Puc 451.10 Method of Rate Regulation.

(a) Traditional methods of rate regulation, which are based upon cost of service, rate base, and rate of return, shall not apply to CTPs.

### Puc 451.11 Changes in Prices and Services.

(a) CTPs shall, pursuant to RSA 378:3, notify the commission of any proposed changes in prices and/or services offered by filing an amended Form CTP-25 Rate Schedule, pursuant to Puc 451.02, above, at least 30 days in advance of the proposed effective date of any of the following:

- (1) Introduction of a new service offering;
- (2) Deletion of an existing service offering;
- (3) Price increase; or
- (4) Any change to the name, description, or other aspect of an existing service.

(b) Price changes that constitute a price decrease shall be effective no sooner than one day after a CTP notifies the commission of the decrease.

### Puc 451.12 Violation of Rules.

(a) If, after notice, an opportunity to be heard and issuance of specific findings of fact supporting its determination, the commission determines that good cause exists, it shall issue an order as to a CTP:

- (1) Revoking, suspending, modifying or imposing conditions upon its CTP authorization;
- (2) Imposing fines or penalties, pursuant to RSA 365:41, RSA 374:28-a, II and/or RSA 378:46;
- (3) Requiring reparation to a subscriber or affected party pursuant to RSA 365:29; or

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- (4) Providing for such other penalty as permitted by statute, consistent with (1) through (3) above.
- (b) Good cause, pursuant to (a) above, shall include but not be limited to the following actions by a CTP:
  - (1) Conducting business in an unfair or deceptive manner;
  - (2) Consistent or flagrant violation of applicable statutes, commission rules or commission orders;
  - (3) Slamming, in violation of RSA 374:28-a;
  - (4) Cramming, in violation of RSA 378:46; or
  - (5) Any other factor(s) which leads the commission to conclude that the applicant has demonstrated it does not meet the minimum standards to operate as a provider.
- (c) Upon a finding as provided in (b) above, the commission shall issue an order providing for one or more of the consequences set forth in (a) above.
  - (1) The commission shall determine which consequences set forth in (a) above are most applicable after considering:
    - a. The nature of the infraction;
    - b. The severity of the infraction; and
    - c. Monetary or other damages to an end user, a utility or a member of the public resulting from the infraction.

### Puc 451.13 Denial of Registration.

- (a) The commission shall deny an application for registration if it determines that:
  - (1) The applicant and/or its general partners, corporate officers, director of the company, limited liability company managers or officers have:
    - a. Committed an act that would constitute good cause to find a violation of authorization pursuant to Puc 451.11;
    - b. Has, within the 10 years immediately prior to registration:
      - 1. Had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation; or
      - 2. Settled any civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;
      - 3. Is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;

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- c. Knowingly made a material false statement of fact in the application; or
- d. Demonstrated on its application such flagrant and/or repeated violations of the requirements to operate as a utility and/or a CTP in other state(s) that the commission determines that it is not in the public good to allow registration; and

(2) The crime or act referred to in (a)(1) above is substantially related to the qualifications, functions or duties required to provide CTP services.

(b) In the event that the commission denies an application for registration, the applicant may, within 30 days, file a request for reconsideration.

### Puc 451.14 Withdrawal of Application/Authorization.

(a) A CTP may withdraw its application and authorization prior to serving customers in New Hampshire so long as the CTP has no outstanding obligations to any New Hampshire end user.

(b) A CTP wishing to withdraw shall file Form CTP-35 Withdrawal of Application/Authorization.

### Puc 451.15 Discontinuance of Operations.

(a) A CTP who has commenced operations in New Hampshire shall, at least fourteen days prior to ceasing operations:

- (1) Notify the commission of its intent to cease operations by filing:
  - a. Form CTP-34 Discontinuance of Operations;
  - b. A copy of its notice to customers as required by (2), below; and
  - c. Evidence that all CTP customers have received refunds for any and all credits, deposits, or prepayments due them; and
- (2) Notify its customers, pursuant to Puc 452.01, of cessation of operations, such notification to include:
  - a. Notice that the CTP shall discontinue providing CTP services to the customer;
  - b. A statement that, in order to have an intraLATA toll service provider, the customer shall select an alternate CTP; and
  - c. The time period, which shall not be less than 14 days from notification, within which the customer shall make a selection of a new CTP; and
- (3) Refund to its customers any applicable amounts owed.

(b) If the commission determines that a CTP has not made adequate provisions for discontinuance of service or for a successor provider, the commission shall order notice to affected customers clarifying the customer's rights and obligations.

(c) The commission shall relieve the CTP of its surety bond requirement upon the timely completion of the requirements of this section.

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## PART Puc 452 CTP CUSTOMER RELATIONS

### Puc 452.01 CTP Notices to Customers.

- (a) Unless otherwise specified, any notice to customers required by these rules shall:
  - (1) Include the company name and relevant contact telephone number;
  - (2) Be provided:
    - a. In a separate mailing;
    - b. As a bill insert; or
    - c. By clear and conspicuous notice printed on the customer's bill; and
  - (3) Be sent separately from promotional materials.

### Puc 452.02 Bill Forms. [See final proposal “disconnect rules” 9-2-04.]

### Puc 452.03 Application of Payments.

- (a) A CTP may require that its customers' bills are payable upon receipt by the customer.
- (b) If a CTP provides that customers may pay bills to an authorized payment agency of the CTP, the CTP shall credit the customer for payment as if posted on the date payment is rendered to the authorized payment agency.

### Puc 452.04 Notice to Customers of Changes in Prices and Services Offered.

- (a) Prior to the effective date of price increases CTPs shall notify all customers of the increase pursuant to Puc 452.01.
- (b) Customers shall be given at least fourteen days to terminate the relevant service prior to the effective date of a price increase.

### Puc 452.05 Slamming Prohibited.

- (a) A CTP shall comply with the FCC slamming regulations, 47 CFR 64.1100-1170 and 1190.
- (b) If, after notice and opportunity for hearing, the commission finds an CTP has switched a subscriber's selection of carrier without authorization, the commission shall impose an administrative penalty against the CTP, not to exceed \$2,000 per subscriber line switched without authorization, pursuant to RSA 374:28-a,II.
- (c) For repeated or flagrant slamming violations, after notice and opportunity for hearing, the commission may withdraw the CTP's authorization to provide service, pursuant to RSA 374:28-a,III.

### Puc 452.06 Cramming Prohibited.

- (a) A CTP shall not engage in cramming.

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### Puc 452.07 Advertising.

- (a) A CTP shall abide by the FCC/Federal Trade Commission Statement on Deceptive Advertising.

### Puc 452.08 Confidentiality Requirements.

- (a) All communications between customers of utilities shall be deemed confidential.
- (b) No CTP operators, employees or agents shall, except when a technical necessity exists:
  - (1) Listen to any telephone conversation between customers; or
  - (2) Monitor the content of non-voice communication such as data.
- (c) Employees, including operators and agents of a CTP, shall not repeat, divulge or use to any personal advantage or in any improper or illegal manner, any communication overheard or intercepted in any way, from or regarding, any telephone communication, including non-voice communication, to or from a customer of the CTP.

### Puc 452.09 Third Party Billing.

- (a) A CTP which provides third party billing of toll charges shall, prior to allowing a third party customer to be billed for a charge to be incurred, require its operators to verify the agreement of the third party customer to accept liability for the charge to be incurred.

### Puc 452.10 Disconnection of Residential Service and Non-Residential Service. [See final proposal “disconnect rules” 9-2-04.]

### Puc 452.11 Notice of Disconnection. [See final proposal “disconnect rules” 9-2-04.]

### Puc 452.12 Disconnection Conferences with Customer. [See final proposal “disconnect rules” 9-2-04.]

### Puc 452.13 Disconnection of Associated Services. [See final proposal “disconnect rules” 9-2-04.]

## PART Puc 453 CTP EQUIPMENT AND FACILITIES

### Puc 453.01 Construction, Installation and Maintenance of Physical Plant.

- (a) A CTP shall:
  - (1) Construct, install and maintain its plant, structures, equipment, and lines in accordance with the National Electrical Safety Code (most recent edition), the National Electrical Code (most recent edition), and other recognized authorities;
  - (2) Construct and install its plant, structures, equipment and lines to prevent interference with service furnished by other public service facilities, such as cable TV, fire alarm, electric, water, sewer, gas or steam facilities; and
  - (3) Periodically test, inspect, and perform preventive maintenance designed to achieve efficient, safe, adequate and continuous operation of its system.

### Puc 453.02 Quality of Service Standards.

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- (a) A CTP shall have sufficient equipment to handle traffic.
- (b) A CTP shall provide sufficient interoffice channels to handle the traffic without delay.
- (c) A CTP shall provide interexchange trunks which shall be engineered on the basis of not exceeding one failed call per 100 calls excluding the busy hour.

### PART Puc 454 CTP REPORTS AND FILINGS

#### Puc 454.01 One-Time Filings Required for Prospective and New CTPs.

- (a) Form CTP-10 Application for Registration, when applying to provide service in New Hampshire;
- (b) Form CTP-11 Adoption of Model Tariff, if the CTP wishes to adopt the model tariff pursuant to Puc 451.03.
- (c) Form CTP-12 Initiation of Operations, when the CTP begins serving its first revenue-producing customer in New Hampshire.

#### Puc 454.02 Biennial Reports.

- (a) Unless otherwise specified in this part, reports filed biennially are due on or before March 31<sup>st</sup> of each even-numbered year.
- (b) A CTP shall file the following commission reports biennially:
  - (1) Form CTP-25 Rate Sheet.

#### Puc 454.03 Annual Reports.

- (a) Unless otherwise specified in this part, reports filed annually are due on or before March 31<sup>st</sup> of each year, and shall cover the most recent fiscal year ending on or prior to March 31.
- (b) Annual reports shall commence with the most recent fiscal year ending on or prior to March 31 of the first year such record report or other required information is required by the commission.
- (c) A CTP shall file the following commission reports annually:
  - (1) Form CTP-1 Contact Information;
  - (2) Form CTP-2 Assessment Report;
  - (3) Form CTP-3 Annual Report;
- (d) A copy of the following reports, if filed by a CTP, shall be provided:
  - (1) Shareholder annual reports, which must be received by the commission within 7 days from the date of mailing the same to shareholders;
  - (2) Securities and Exchange Commission (SEC) filings, which must be received by the commission within 15 days from the initial filing date with the SEC;

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### Puc 454.04 Monthly Reports.

(a) Unless otherwise specified in this part, reports filed monthly are due on or before the 10th day of each month, and shall cover the most recent complete month.

(b) A CTP shall file Form CTP-21 Report of Customer Troubles monthly.

### Puc 454.05 Other Reports.

(a) Unless otherwise specified in this part, the following reports shall be filed within thirty days of the event that necessitates the filing:

- (1) Form CTP-1 Contact Information, within ten days of any changes in the information on the CTP's most recently filed "Contact Information";
- (2) Form CTP-34 Discontinuance of Operations, pursuant to Puc 451.15;
- (3) Form CTP-35 Withdrawal of Application/Authorization, pursuant to Puc 451.14;
- (4) Form CTP-36 Transfer of Customer Base, pursuant to Puc 458.01;
- (5) Form CTP-37 Change in Ownership, pursuant to Puc 458.02.

### Puc 454.06 Submitting Reports and Forms.

(a) A CTP shall submit any report or form to the commission by:

- (1) Mail to: New Hampshire Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, NH 03301-2429; and/or
- (2) Electronic report filing (ERF), or its successor, on the commission website.

a. Any electronic filing must comply with Puc 202.08 regarding filing requirements.

### Puc 454.07 Confidential Treatment.

(a) A CTP which seeks confidential treatment of any of the reports required by this section shall do so pursuant to RSA 378:43.

## PART Puc 455 CTP INTERCARRIER OBLIGATIONS

### Puc 455.01 Switching and Signaling Obligations.

(a) A CTP shall:

- (1) Provide reasonable access to all signaling information pursuant to industry protocols;
- (2) Not interfere with the transmission of signaling information;
- (3) Protect Customer Proprietary Network Information (CPNI) at least to the level required by FCC regulations; and



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- (4) Communicate, both on a demand and preventative basis, information regarding maintenance necessary to insure successful call completion.

### Puc 455.02 Trouble Reporting and Resolution Obligations.

- (a) A CTP shall ensure that trouble reports are directed to the correct carrier(s) in a timely manner;
- (b) A CTP receiving a trouble report from its customer regarding the non-completion of a call is responsible for accepting, reporting and coordinating the resolution of that trouble.

## PART Puc 456 CTP OPERATOR SERVICES

### Puc 456.01 Provision of Service.

- (a) A provider of operator services shall:
- (1) Orally identify itself by name prior to the connection of the telephone call;
  - (2) Permit the telephone user to terminate the telephone call before the commencement of any charges;
  - (3) Instruct telephone users that they may obtain applicable rate and surcharge quotations either:
    - a. By dialing no more than two digits; or
    - b. By remaining on the line.
  - (4) Disclose immediately, audibly and distinctly to the telephone user, upon request and at no charge:
    - a. A quotation of its rates or charges for the call;
    - b. The maximum possible total cost of the call; and
    - c. The methods by which complaints concerning such rates, charges or collection practices will be resolved.
  - (5) Quotation for the total cost of the call shall include:
    - a. The per minute rate;
    - b. Any and all surcharges that will be billed by or on behalf of the operator services provider; and
    - c. Any other charge associated with the call, excluding taxes.

## PART Puc 457 CTP INTERCONNECTION

### Puc 457.01 Intercompany Contact Information.

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(a) A CTP shall provide on its web site, and maintain on a regular basis, contact and escalation lists for network interconnection issues.

(b) Substantive changes to the location or content of the information shall be updated within five business days.

### PART Puc 458 CTP CORPORATE RESTRUCTURING

#### Puc 458.01 Transfer of Customer Base.

(a) When a CTP proposes to transfer its customer base, pursuant to Puc 450.03 (c):

(1) The CTP shall notify the commission by filing Form CTP-36 Transfer of Customer Base; and

(2) No fewer than fourteen days prior to the effective date of such change, the CTP shall provide notice, pursuant to Puc 452.01, to each affected customer which includes:

a. Notice that the CTP shall discontinue providing CTP services to the customer;

b. Notice that the customer shall select an alternate CTP provider or the customer will be assigned to the proposed transferee or lessee carrier;

c. Notice of the date the CTP shall discontinue providing CTP services to the customer;

d. Notice that the change in carrier shall be without charge to the customer;

e. A clear statement:

1. Of any difference in the rates and/or terms and conditions of service of the CTP and the rates and/or terms and conditions of service of the proposed transferee or lessee CTP; or

2. That the rates and terms and conditions of service of the CTP and the proposed transferee or lessee CTP are the same;

f. The name, address and telephone number of the proposed transferee or lessee CTP if the customer does not select an alternate carrier within the prescribed time period; and

g. Notice of the time period within which the customer shall make a selection of any alternate CTP or be assigned to the default or successor carrier, if different than the date the CTP shall cease to provide service to the affected customer;

(3) Provide a copy of the notice described in (2) above to the commission at the same time notice is sent to affected customers; and

(4) Within 30 days of the effective date of the change, refund to its customers any applicable amounts owed; and

(b) The proposed transferee or lessee shall register as a CTP, pursuant to Puc 451.01, if not already so registered.

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(c) In addition to the requirements in (a) and (b) above, pursuant to RSA 374:22-o, a CTP with a market share of ten percent or greater shall petition the commission for approval of its transfer of customer base at least 30 days prior to the effective date of such transfer:

(1) As to any petition filed by a CTP for approval of the commission, pursuant to (c) above, the commission shall evaluate whether the proposed transfer is in the public good and does not harm ratepayers, pursuant to the criteria contained in well-developed relevant case law.

### Puc 458.02 Change in Ownership.

(a) When a CTP undergoes a change in ownership pursuant to Puc 450.03 (a) it shall:

(1) Notify the commission by filing Form CTP-37 Change in Ownership;

(2) The CTP shall provide to each affected customer a notice in writing pursuant to Puc 452.01 of the change in ownership, which shall include:

a. Information regarding the change in ownership;

b. Notice that the customer may select an alternate CTP provider, if desired, without charge; and

c. Notice that the conditions of service of the CTP shall remain the same.

(b) A CTP failing to notify the commission and its customers pursuant to (a) above, shall be in violation of RSA 374:28-a, regarding slamming.

(c) In addition to the requirements in (a) above, pursuant to RSA 374:22-o, a CTP with a market share of ten percent or greater shall petition the commission for approval of its change in ownership at least 30 days prior to the effective date of such change:

(1) As to any petition filed by a CTP for approval of the commission, pursuant to (b) above, the commission shall evaluate whether the proposed transfer is in the public good and does not harm ratepayers, pursuant to the criteria contained in well-developed relevant case law.

PART Puc 459 CTPs RESERVED FOR FUTURE USE

PART Puc 460 CTPs RESERVED FOR FUTURE USE

PART Puc 461 CTPs RESERVED FOR FUTURE USE

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PART Puc 463 CTPs RESERVED FOR FUTURE USE

PART Puc 464 CTPs RESERVED FOR FUTURE USE

PART Puc 465 CTPs RESERVED FOR FUTURE USE

PART Puc 466 CTPs RESERVED FOR FUTURE USE

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### PART Puc 467 CTPs RESERVED FOR FUTURE USE

### PART Puc 468 CTPs RESERVED FOR FUTURE USE

### PART Puc 469 CTP FORMS

#### Puc 469.01 Availability of Forms.

(a) All commission forms are available on the commission's web site at <http://www.puc.nh.gov/Telecom/telecom.htm> or its successor site.

(b) Forms may be submitted electronically, but a CTP must comply with Puc 202.08 regarding filing requirements.

#### Puc 469.02 Form CTP-1 Contact Information.

(a) The "Contact Information" form, required by Puc 451.08, shall include:

- (1) The current date;
- (2) General information, listing the company's:
  - a. Legal company name;
  - b. The business name the company uses with its customers; and
  - c. Complete mailing address;
  - d. Internet address, if the CTP maintains a website;
  - e. Toll-free number for customer service; and
  - f. Toll-free number for repair service.
- (3) Contact information for the following individuals:
  - a. Person responsible for preparing the annual report;
  - b. Person responsible for regulatory matters, including the filing of rate schedules;
  - c. Person that the commission's consumer affairs division shall call regarding consumer complaints from customers;
  - d. Person responsible for paying assessment bills;
- (4) Contact information for each individual in (3) above shall consist of:
  - a. Name and title;
  - b. Mailing address;
  - c. Phone and fax numbers; and

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d. Email address.

(5) Names and titles of principal officers.

(6) The “Contact Information” shall be mailed to the Public Utilities Commission, 21 South Fruit Street, Suite 10, Concord, NH 03301-2429.

### Puc 469.03 Form CTP-2 Assessment Report.

(a) The “Assessment Report,” required by Puc 451.07, shall include:

- (1) Name and address of the company;
- (2) Company’s federal employer identification number (FEIN);
- (3) Contact person’s name, phone number and email address;
- (4) Calendar year ending; and
- (5) Gross utility revenue derived from NH operations during the period.

(b) The “Assessment Report” shall be:

- (1) Signed and dated by an authorized representative of the company, along with:
  - a. Printed name and title of the signatory.

### Puc 469.04 Form CTP-3 Annual Report.

(a) Form CTP-3 Annual Report required by Puc 451.06 shall contain:

- (1) Name of the company;
- (2) Company’s federal employer identification number (FEIN);
- (3) Year being reported on;
- (4) CTP authorization number;
- (5) Contact information for officer responsible for filing the “Annual Report,” including:
  - a. Name and title;
  - b. Address;
  - c. Phone number; and
  - d. Email address.
- (6) Identification of the company’s registration type(s), *i.e.*, CLEC, CTP or both;
- (7) The business name the company uses with its customers;

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- (8) A balance sheet and an income statement for the year reported, separately attached;
- (9) List of company officers and titles;
- (10) List of company affiliates that provide telecommunication services in New Hampshire;
- (11) A brief description of the CTP's services which generate New Hampshire revenue;
- (12) A breakdown, by retail and wholesale, of revenue into the following categories:
  - a. IntraLATA toll;
  - b. Toll revenue other than intraLATA toll; and
  - c. All other revenue not included in a. or b. above;
  - d. Subtotal, by retail and wholesale, of a. through c;
- (13) The total of all New Hampshire revenues provided in (12) a. through c. above;
- (14) Statistical data for New Hampshire operations, including:
  - a. Number of presubscribed access lines;
  - b. Intrastate conversation minutes of use; and
  - c. Number of switches and their locations;
- (15) Identification of New Hampshire operations of the company that have been discontinued service in any exchange during the past 12 months;
- (16) Whether deposits for telephone service have been taken or required; or
- (17) Whether the company offers internet access to end users;
- (18) A sworn attestation signed and dated by the president and the treasurer, that states that the annual report has been properly prepared and represents fairly the results of the company's operations.

### Puc 469.05 Form CTP-10 Application for Registration.

- (a) The "Application for Registration," required by Puc 451.01, shall include:
  - (1) The applicant's legal name and name under which it does business;
  - (2) The applicant's business and mailing address(s);
  - (3) The federal employer identification number (FEIN) of the applicant;
  - (4) A statement as to whether the applicant, any of the general partners, corporate officers, director of the company, limited liability company managers or officers have ever been convicted of any felony that has not been annulled by a court;

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- (5) A statement as to whether the applicant or any of the persons listed in (4) above:
    - a. Has, within the 10 years immediately prior to registration,:
      - 1.Had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation; or
      - 2.Settled any civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;
    - b. Is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;
  - (6) If an affirmative answer is given to (4) and/or (5) above, an explanation of the event;
  - (7) Consumer and intercompany information:
    - a. Company escalation list for intercarrier issues;
    - b. Company escalation list for consumer issues; and
    - c. If a company website is available, a. and b. above are to be provided on a web page, maintained and updated on a regular basis;
  - (8) A copy of the CTP's Secretary of State Certificate of Authority;
  - (9) A copy of Form CTP-1 Contact Information, as described in Puc 469.02.
  - (10) A written statement, signed under the penalties contained in RSA 641:3, relating to unsworn falsification, by an authorized representative of the CTP, certifying:
    - a. To the truthfulness of the material provided in the application; and
    - b. That the CTP will comply with all applicable statutes, rules and orders.
- (b) The "Application for Registration" shall be:
- (1) Signed and dated by an authorized representative of the company, along with:
    - a. Printed name and title of the signatory.

### Puc 469.06 Form CTP-11 Adoption of Model Tariff.

- (a) The "Adoption of Model Tariff," referred to in Puc 451.03 shall include:
  - (1) Provider's name, complete mailing address and authorization information, which shall include;
    - a. Name and address of company;
    - b. Contact person name phone number, fax number and email address; and

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- c. CTP authorization number.
- (2) Declaration of intent to adopt the model tariff, shall include:
  - a. An attestation that the applicant adopts the model tariff; and
  - b. Date of adoption.
- (b) The “Adoption of Model Tariff” shall be:
  - (1) Signed and dated by an authorized representative of the company, along with:
    - a. Printed name and title of the signatory.

### Puc 469.07 Form CTP-12 Initiation of Operations.

- (a) The “Initiation of Operations,” required by Puc 454.01, shall include:
  - (1) Provider information, which shall include:
    - a. Name and address of company;
    - b. Contact person name, phone number, fax number and email address; and
    - c. CTP authorization number.
  - (2) Date services were first provided.
- (b) The “Initiation of Operations” shall be:
  - (1) Signed and dated by an authorized representative of the company, along with:
    - a. Printed name and title of the signatory.

### Puc 469.08 Form CTP-25 Rate Schedule.

- (a) The “Rate Schedule,” required by Puc 454.02, shall include:
  - (1) The applicant’s legal name and name under which it does business;
  - (2) The applicant’s business and mailing address(s);
  - (3) The CTP authorization number of the applicant;
  - (4) The federal employer identification number (FEIN) of the applicant;
  - (5) The name, title, address, direct telephone number, and email address for the CTP employee or agent responsible for the content of the rate schedule.
  - (6) Attached rate sheet(s), which shall include:
    - a. The following information for each service offered by the CTP:



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- 1.The name of the service, as it will appear on customer bills;
  - 2.The name of the service as it will appear on company provisioning documents, if different;
  - 3.A brief description of service;
  - 4.The price at which the service is offered; and
  - 5.The date on which the price is effective.
- (b) Any rate schedule of more than ten pages shall include:
- (1) A table of contents; and
  - (2) Numbered pages.
- (c) The “Rate Schedule” shall be :
- (1) Signed and dated by an authorized representative of the company, along with:
    - a. Printed name and title of the signatory.

### Puc 469.09 Form CTP-34 Discontinuance of Operations.

- (a) The “Discontinuance of Operations” form, required by Puc 451.15 and Puc 454.05, shall contain:
- (1) The applicant’s legal name, name under which it does business, mailing address and telephone contact information;
  - (2) Regulatory contact, including that person’s telephone number, fax number and email address;
  - (3) Effective date of discontinuance;
  - (4) Statements that:
    - a. The proposed effective date shall not be sooner than 14 days after giving written notice to customers, as provided in Puc 452.01;
    - b. The commission shall relieve the CTP of its surety bond requirements upon the timely completion of the requirements of Puc 451.15; and
    - c. A written statement, signed under the penalties contained in RSA 641:3, relating to unsworn falsification, by the authorized representative of the CTP, certifying that the information is true to the best of the signatory’s knowledge and belief.
- (b) The CTP shall attach:
- (1) A copy of the CTP’s notice to its customers, pursuant to Puc 451.15; and

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(2) Evidence that all CTP customers have received refunds for any and all credits, deposits, or prepayments due them.

(c) The “Discontinuance of Operations” shall be:

(1) Signed and dated by an authorized representative of the company, along with:

a. Printed name and title of the signatory.

### Puc 469.10 Form CTP-35 Withdrawal of Application/Authorization.

(a) The “Withdrawal of Application/Authorization” form, required by Puc 451.14, shall contain:

(1) The applicant’s legal name, name under which it does business, mailing address, and phone number;

(2) Proposed date of withdrawal as business entity in New Hampshire;

(3) Either:

a. CTP authorization number and date of the authorization; or

b. Date of application.

(4) Statements that:

a. The provider has never served customers in New Hampshire;

b. The provider owes no New Hampshire utility end user any deposits or refunds.

c. Any rate schedule(s) are withdrawn;

d. The adoption of the model tariff, if applicable, is withdrawn;

(5) Notice that:

a. Filing the “Withdrawal of Application/Authorization” does not constitute authority to discontinue any service;

b. The surety bond requirement shall be released only upon commission acceptance of the “Withdrawal of Application/Authorization.”

c. The information on the form is true and correct to the best of the individual’s knowledge and belief.

(6) Signed and dated by an authorized representative, along with:

a. Printed name and title of the signatory.

(b) The authorized representative of the company filing the “Withdrawal of Application/Authorization” application shall provide a signed, dated, and sworn statement as to the accuracy of the information contained in the application.

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### Puc 469.11 Form CTP-36 Transfer of Customer Base.

- (a) The “Transfer of Customer Base” form, as required by Puc 458.01, shall contain:
  - (1) Transferor information, including:
    - a. Name and address of the company;
    - b. CTP authorization number;
    - c. The business name the company uses with its customers;
  - (2) Transferee information, including:
    - a. Name and address of the company;
    - b. CTP authorization number, or date of application for registration;
    - c. The business name the company uses with its customers;
  - (3) Effective date of the transfer;
  - (4) Signed and dated by an authorized representative of the company, along with:
    - a. Printed name and title of the signatory.
- (b) Attach an updated Form CTP-1 Contact Information, as described in Puc 469.02.

### Puc 469.12 Form CTP-37 Change In Ownership.

- (a) The “Change in Ownership” form, required by Puc 458.02, shall contain:
  - (1) Transferor information, including:
    - a. Name and address of the company;
    - b. Commission’s authorization number and date of authorization;
    - c. The business name the company uses with its customers;
  - (2) Transferee information, including:
    - a. Name and address of the company;
    - b. Commission’s authorization number and date of authorization;
    - c. The business name the company uses with its customers;
  - (3) Name under which the transferee will be providing service;
  - (4) Effective date of the transfer;

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- (5) Dated signature of an authorized representative of the company; along with:
  - a. Printed name and title of the signatory.
- (6) Attach an updated Form CTP-1 Contact Information, as described in Puc 469.02.